52

MADRAS COURIER.

VOLUME XXVI. TUESDAY, JUNE 19, 1810. NUMBER 1289.

To the EDITOR of the MADRAS COURIER.

SIR,

THE last week produced the publications of "Amicus" "a Colonel" and "Andrew Meanwell" permit me Sir, to offer a few remarks upon those productions to amuse readers of congenial sentiments to myself by a few comments uttered boldly, but if they contain any thing severe, the severity is applied to manners not persons.

MR. EDITOR,

The wisest and best men of the past and present age, have assured us that health and liberty, with a moderate competency, is capable of producing more solid comforts than an unlimited income with all the artificial elegancies and luxuries of life.

There are certain homely but sweet comforts, and conveniencies, which are more substantial than external splendour, but we often sacrifice those to the gratification of vanity, we are more anxious to appear, than to be happy, and prefer a Glittering Equipage to solid comforts.

What then Sir will an ingenious man say, "to all that we have lately heard so much about, Riches and Competency." Give me health, a moderate competency and liberty to live where I like, and I will compassionate that man, who to gain a Mansion and a splendid Equipage, is willing to run the hazard of ruining his health, wearing out his vigour, and remaining, even to the hoary age of feebleness & decrepitude, to devote himself with more care, trouble, concern and uneasiness, "for a few luxuries, than he could have *possibly* felt for the want of them; he pursues this phantom through the best part (perhaps the whole) of his life, for which he sacrifices that which he might have enjoyed a long time "a moderate income and solid comforts" Is it not Sir "obvious to common sense, that the perpetual agitation" the forboding fears "the ardent hopes" which are alternately produced (shall I add the climate) must debilitate his frame and render him, incapable of many rational enjoyments. What then shall we say, is it infatuation or is it a laudable and commendable spirit to instil in the minds of our Countrymen, that it is absolutely necessary to accumulate immense wealth, because we may have been told we cannot live happily genteely or easily in our own Country, until we have an amount, even exceeding, the Salaries of the "Judges, Bishops, the Clergy," the Generals, Magistrates and the fortunes of most of the Country Esquires? Those untravelled Englishmen must not attempt to move in the same sphere with an "Oriental." It may be *well*, but mark the consequence; we have not enough "yet" one more year, another, and another "succeeds" Alas! that grim old fellow often intrudes, stops the career, puts the finishing stroke to our ambition. Had the views been more moderate, he might have avoided the hoary intruder a long time and enjoyed many years of comfort. The inscription on this man's *tomb* should be something similar to the fool, "who not wanting it took physic till he died. "I was well, but I wanted to be better; so here "I am."

When a man has a numerous offspring it may indeed be generous to sacrifice his own ease and happiness to theirs, he may feel a virtuous pleasure in so doing and much satisfaction in his conduct, but even this may be carried too far, virtue itself stretched beyond its proper limits ceases to be virtue.

If Sir there is any truth in what I have already advanced, permit me to state what falls within my own knowledge, viz. that a single man can live happy, easy and genteely upon *five* Hundred per annum, keep his horse, his bandy, his Servant, visit the watering places, frequent places of public amusement, drink his bottle of wine daily, but then if he insists on "expensive diet, splendid lodgings, and dashing parties" it wont do—a Captain of the army has not half the sum, a Major has only three hundred and ten pounds, yet I know several of those ranks keep their horses (the latter are obliged to do so) a brace of Pointers, a Servant, drink wine every day, travel many miles within the year (and there is no reductions at the inns because they belong to the army,) dress well, pay their debts, and do all this upon their pay; it may be necessary to observe that they get lodgings, coals and candles, when stationary, free of expence.

Allow me now Mr. Editor, to point out some sources from which much gratification may be derived, by a Bachelor "or even a married man," with little or no expence. If he be able to take, and fond of the amusements of the Field he may take his Dogs and Gun, or his Fishing Tackle, ramble over the blue mountains, the hills, the vallies through woods and plains, visit the spacious lake or shady rivulets. (The sportsman's joys a part), The Beauties of Nature, a fine day, the beautiful medows, every bush and bramble, the flowery fields, the refreshing odour of the wild rose, the Woodbine, the cowslip or new mown hay, the harmony of the thrush, the Black Bird, Woodlark, Nightingale, the Lark, the Linnet, and all the little Warblers of the Grove, are capable and intended for the gratification of mankind. Should we Sir be near any, of many Noblemen's seats, places of public resort, such as Stowe, Wagney, Wooborn, Peterfield and numerous other enchanting places which we have both in England and Ireland, their parks are open for riding in, their shrubberies & gardens for walking, we may see the works of Art and Nature, and wander among a wilderness of sweets. The Lilac, the libernum, the double-blossomed Cherry, the Peach tree, the Jessamin, the Moss-Rose, cloves', pinks, Primroses, the Minianet. all are open to our view, and regale our senses, free of expence, (or you may give a mere trifle to a conductor if you require one). Those Sir are rational and pleasing recreations, (and if the sources of nature are not entirely dried up) some of them, most people may enjoy,—it may be here observed we cannot exist by shooting, hunting or fishing, riding or walking! How do you Mr. Moralist propose we shall live? First I recommend the life of the *retired Colonel*; if this don't suit, very snug private lodgings can be procured in most Towns in England and many in Ireland, Scotland and Wales, wholesome breakfasts, pretty little dinners, tea, supper, a good bottle of wine, suit your taste in Books from the circulating library, "have your friend and little parties for whist or quadrill" (these are reciprocal) get up and go to bed when you like, walk or ride when and where you please. If this wont do, well Sir are you fond of the Town, love places of public amusements, politics, debating societies, the sociable Club, eat oysters, drink Porter and smoak a clay hooker, visit both the Theatres & that of *St. Stephens*, with number of other places of amusements and association, where you may enjoy in the fullest extent those propensities, all within the sound of Bow Bells. But your income, "wont do," well Sir take a snug farm, a comfortable box, keep what's termed a head man to manage; take no trouble upon yourself, have your Dogs your Gun, take the London Papers—visit the Parson & any other you like; you have your own mutton, lamb, veal, turkey, goose or fowl, home-brewed Beer, made Wines or Port if you like it better, eat your own or neighbour's fruit and *crack* your 'Walnuts, filberts, the bottle" or Joke with who you please—perhaps many think what a Griffin and a fool, this fellow must be to think either of those would suit an old Stager; then Sir I don't not know what will do, for their Nabobships—I repeat I write only for those of congenial sentiments to myself; easily to be pleased—scarce know why, or care wherefore.

Mr. Editor, with much deference to Mr. Andrew Meanwell, "who was so much asto-"nished at the *inconsistency of the human heart* "of any man who could come forward un-"asked, step out of his way and with a great "degree of egotism contradict or hurt the "feeling of a Gentleman,"—but notwithstanding I may incur as severe a philippic, I do conceive and make bold to affirm that a man who appeals to the public, in some degree challenges, contradiction "and farther," that that man does as much for his Countrymen and Mankind at large, who endeavours to persuade and prove that four hundred and seven hundred a year for a family, is capable of producing as much happiness as three or five thousand.—The New Years Gift, whatever may have beeen the motive that produced it, "the respectability of the Author warrants the best construction," still is erroneous in many points, and may have an evil tendency, for as much as it may prompt to avarice, with its immediate and remote consequences.

I do not Sir wish to enter into controversy with any man, but I do not see any more *inconsistency* in the Colonel or any other man persuading us to be contented with *a little* than in another's saying we must not attempt to return to our Mother Country with any prospect of happiness—except we have *a great deal*. A third assures us that Mates of Indiaman "and "those who choose to associate with them can "live comfortably for *four* Months together "upon Grog & the coarsest of fish such as is eat "only by the poorest inhabitants and slaves of "St. Helena—and many rational hours may be "spent in this society,"—Sir, we unfortunate Griffins are at loss to reconcile these opposite statements, my weak intellect is astonished at the last weeks productions. Another Oriental Traveller in the same Paper, under the head of Jaulnah News, informs us he had shot one Hare, was eagerly *looking* out for 'another,' but could not *see* an immense *Tiger* within *one yard* of him but had he been possessed of his *friend's eyes* he could have put *four* balls in his *head*—this may appear to border on the wonderful, but we have no right to judge or act from our [illegible], we have no idea what habits an old Indian may contract, we have no more idea of it than they have of economy at home. Thirty Guineas for a boat, one hundred and four Pounds per annum for a small house and garden, (in a town of no note) twelve Pounds for an acre of ground. What inference shall we draw from all this? why Sir let us return while we have the use of our faculties left, to avoid these impositions.

Strain at a Knat and swallow a Camel is a vulgar proverb, Mr. Editor, but it may be very justly applied to those who year after year, with the privation of every comfort, are tormented by day & night, inhale pestilence and obnoxious *Effuv a's*, which more or less we must all partake of, rather than return to the sweet and bracing air of our own *Country*, until they are the *richest* and can move with greater *splendour* than most in it.

I am afraid Sir that I have tired your patience and every ones else. I will conclude with the spirit with which I set out. It is not to men but to manners that I apply. I mean nothing personal to any, I have not the honor of being known to either I may allude to. I trust Mr. A. or M will forgive whatever may appear offensive—I wish them rich and happy and a safe journey to Auld Reekey—my motive for writing at all is to hold out a Beacon, to prevent any splitting on a Rock while they are pushing near the shore of avarice and while it is in their power to make the voyage of life comfortable and happy, if they keep within compass.

Sir, my Signature would add no authority to what I have written, so give me leave to adopt that of.

TRISTRAM.

Fort, June 19th 1810.

THE COURIER.

TUESDAY, JUNE 19, 1810.

APPOINTMENTS, &c.

Mr. James Haig, Assistant to the Collector of the Northern Division of Arcort.

Mr. Henry George Keene, First Assistant to the Register to the Court of Suddur and Foujdaree Udalut.

Captain James Stuart Fraser, of the 18th Regiment Native Infantry, to be Deputy Commissary of Provisions with the Expedition, which lately embarked for Foreign Service from this date.

Lieutenant Colonel Burrows and Brevet Major Keay of the Invalid Establishment to proceed to England, the former on leave of abscence, the latter on sick certificate.

Lieutenant Thomas Darke, to be Adjutant to the 4th Regiment Cavalry.

Lieutenant H. J. Wilkinson, to be Adjutant to the 2d Battalion 13th Regiment.

Extract of a Letter from Trincomallee, June 3rd.

On Thursday last Cards of Invitation were issued by His Excellency Rear Admiral DRURY, from the Admiralty House, to the Civil, Naval, and Military Gentlemen for a Dinner, and to the Ladies for a Ball and Supper on the 4th June in Commemoration of His Majesty's Birth Day. It is expected upwards of 100 Persons will be present, and from the pains taken we have little doubt this Entertainment will not be surpassed at any of the Presidencies in hospitality and elegance.

Yesterday sailed His Majesty's Brig Procris, Captain Maunsel on a Cruise.

Extract of a Letter from Berampore, dated 22d May, 1810.

"The only news I have to communicate to you is an extraordinary event that took place here a few days ago. The water in our Tank, which I have known these thirty-four years, changed suddenly to the colour of dark green, and an immense quantity of fish, many of them weighing from ten to eighteen seers, floated dead on the surface of it. Some few were taken out by the natives and carried away; the remainder were transported by Hackry loads and buried, or applied to the purpose of manure. This strange occurrence is attributed by most people to the recent Earthquake, which I understand was felt at Calcutta."

Shipping Arrivals since our last.

June 12, Ship Portsea, Captain G. Davidson, from Amboina 30th April and Timor 5th May. —do. 16, Ship Aurora, Captain A. Glass, from Bombay 2d June.—do. 18, Cutter Swallow, Captain C. V. Blankenburg, from Tutacoreen 14th June.

MADRAS.

BIRTH.—At Goa, on Sunday the 27th May, the Lady of J. Irving, Esq. Assistant-Surgeon, of a Daughter.

DEATHS.—At Bangalore, on the 27th May, Quarter-Master T. Wood, of H. M. 25th Light Dragoons—after a lingering illness which he bore with the greatest fortitude, greatly belovd by all that knew him, particularly so by his Brother Quarter-Masters.

At Masulipatam, on the 26th May, Lieutenant Joseph Denman Bateman, 1st Battalion 5th Regiment Native Infantry, much regretted by his Brother Officers.

BENGAL.

MARRIAGES.—On Friday afternoon, the 25th ultimo, at the Government House, The Honorable GEORGE ELIOTT, Second Son of the Right Honorable LORD MINTO, a Captain in the Royal Navy, and Commanding His Majesty's Frigate *La Modeste*, to Miss ELIZA CECILIA NESS The Ceremony was performed by the Rev. Dr. WARD, in presence of the Right Honorable LORD MINTO, the Honorable SIR HENRY RUSSELL, and a party of five or six and twenty Ladies and Gentlemen.—At a little past six o'clock, the new married pair set off from the Government House, for the Seat of the Right Honorable the Governor General, at Barrackpore.

On Sunday, the 20th ultimo, Mr. Thomas Curren, to Miss Rose Leach.

BIRTHS.—At Burdwan, on the 9th of May, the Lady Wm. Adamson, Esq. Surgeon of that Station, of a Daughter.

On the 22d ult. in Fort William, the Lady of Lieutenant Tritton, of His Majesty's 24th Dragoons, of a Daughter.

On Friday, the 18th ult. the Lady of J. Harvey, Esq. of a Son.

DEATHS.—On Friday evening, the 25th ultimo, in 73d of his age, HENRY CONRAN, Esq. formerly a Major in His Britannic Majesty's Service, and Father of Lieutenant-Colonel CONRAN, late of the 52d Regiment, and now commanding the 2d Battalion of Royals at Madras. Major CONRAN entered at an early age, into the service of his Country, and was sent with his Regiment during the glorious War of 1755-6, &c. to America, where he had the honour to serve under the immortal WOLF; and was present in 1759, at the death of that Hero, in the battle fought on the heights of Abraham, near Quebec. He served, subsequently under Lord Townshend, and assisted in the reduction of the capital and province of Canada. At the close of the War he returned to Europe, and after some time, retired from the army on half-pay—Major CONRAN came to India by way of Aleppo and the Great Desert, about the year 1780, in charge of a packet from the Court of Directors to the Bengal Government, which service he performed with expedition and success. Mr. HASTINGS, the then Governor General, appointed him an Aid-de-Camp, and Private Secretary, in which situation he remained till the return of Mr. HASTINGS to Europe in 1785. Since that time, the Major generally lived in Calcutta, much esteemed by his friends and acquaintances. He had a paralytic stroke about two years ago, which deprived him almost entirely of the use of speech, and his right arm was also so much affected, that he was unable to write; nevertheless he continued cheerful and in good spirits, enjoying with unimpared delight, till within two days of his death, the rational amusements of reading, and speculating, on the events of the day.

At Allygurgh, on the 14th ultimo, Major Benjamin Litton, of the 2d Battalion, 3d Regiment of Native Infantry, in the forty-sixth year of his age; much regretted by his Friends and Brother Officers.

At Benares, on the 4th ult. Mrs. F. Leech, Wife of Mr. W. Leech, late of H. M. 22d Regt. of Foot.

On Sunday the 20th ult. the infant Son of Mr. J. Masters.

BOMBAY.

MARRIAGE.—On the 5th Instant, by the Rev. Arnold Burrows, J. H. Pelly, Esq. to Miss Lewis.

For the following tribute we are indebted to the pen of a Gentleman, well acquainted with the Character he celebrates.

DEATH.—In the month of December last at Bath, James Douglas Richardson, Esq. formerly of this settlement.—He quitted Bombay about Eighteen months ago in the hopes of Renovating a Constitution severely impaired by a long Residence in this Climate; Illusive hope—for as he was on the eve of permanently fixing an abode in his Native Country, he was called to another world.—Mr. Richardson's Character was marked with much good humour which rendered him a most pleasant companion, and many in this Settlement must acknowledge that, few surpassed him in the exercise of kindness and hospitality; attentions which he shewed in common to all, but more particularly to strangers.

ARRIVLS.—Captain Lemond, 1st Battalion Artillery—Major Lewis, 2d Cavalry—Lieutenant Biss, Assistant Quarter Master General—Lieutenant Melver, 79th Regt.

CALCUTTA MORNING POST.

FRIDAY, JUNE 1, 1810.

GOVERNMENT NOTIFICATION.

Fort William, Accountant Gen's. Office, May 23, 1810.

Notice is hereby given, that all the Treasury Notes of this Government, which may be outstanding from No. 14,101 to No. 14,500, of 1809-10 inclusive, will be discharged on application at the General Treasury, on Thursday the 31st instant, on which day the Interest thereon will cease.

W. EGERTON, ACCT. GEN.

Fort William, Accountant Gen.'s Office, May 30, 1810.

Notice is hereby given, that all the Treasury Notes of this Government, which may be Outstanding from No. 14,501, to No. 14,800 of 1809-10 inclusive, will be discharged on application at the General Treasury, on Thursday the 7th Proximo, on which day the Interest thereon will cease.

W. EGERTON, Acct. Genl.

Notice is hereby given, that the Right Honorable the Governor General in Council has been pleased to determine, that the operation of the Advertisement published in the Calcutta Gazette Extraordinary, under date the 4th April last, shall be extended to Ships which may be further tendered, provided it be declared that they shall be ready to sail from this Port (Wind and Weather permitting) by the 31st of August next.

Tenders of Ships will accordingly continue to be received at the Office of the Secretary to the Board of Trade.

Published by Order of the Board of Trade,
R. C. PLOWDEN, Acting Sec.
Fort William, May 30, 1810.

LEVEE.

On Wednesday last the Right Honorable the Governor General held a public Levee, which was attended by all the principal Civil and Military Officers of the Settlement. His Lordship afterwards gave private audience to individuals.

Yesterday arrived off town, the Ship Minerva, Captain Howe, from Bombay the 11th April, and last from Madras the 24th ultimo.

COMMERCIAL REPORT.

The commercial advices received overland from England, are, we have the satisfaction to state, of the most favorable complexion. Indigo, it appears, had undergone an advance of from 1s 3d to 1s 9d per lb. since the May sale of 1809. The entire quantity of indigo which had been brought in, and remained in the Company's Warehouses, is stated not to exceed 10 or 11,000 chests. A brisk trade continued to be carried on with the ports of France as well as those of Holland, and upwards of 100 sail of merchantmen are reported to have sailed from the Thames, for those ports, between the middle of November and the end of December. The rumoured change in the affairs of Holland, had given rise to apprehension, that the communication with England, would be shortly interrupted. The aspect of American affairs, was such, and the certainty of an immediate rupture with that government considered so great, that the article of cotton had experienced an advance of 2½ to 3d per lb. between the beginning of December and the 4th of January; Bengal cotton being quoted at from 1s. 4d. to 1s. 6d. per lb.

We have the satisfaction to state, that accounts were lately received of the arrival off the Isle of France, on the 11th December, of the cartel Harriet, which left this port so far back as September, 1809. This agreeable intelligence was communicated by letters from Mr. Hope, the commissary for the exchange of prisoners of war, forwarded to the Cape of Good Hope, by a British cruizer, which spoke the cartel off the Mauritius, and from thence by the Bucephalus, to Madras. From the non-arrival of the Harriet, it is generally supposed her detention at the Isle of France, has been occasioned by embargo.

MILITARY INTELLIGENCE.

Letters of the 17th instant, received at the presidency, mention that the forces under the command of Colonel Martindell, had broke up a few days before, and at that date, were already on their return to their several cantonments.

The division of Colonel Close's army, which remained on the Nerbuddah, had received orders to return immediately to the Company's frontier. Ameer Khan, according to the latest accounts, was proceeding towards Nutudward, where he proposed to settle the affairs of Oudipoor. Dowlut Rao Scindia remained stationary with his army between Ooneara and Rampoora.

C. T. Metcalfe, Esq. appointed to succeed Grœme Mercer, Esq. Resident at the Court of Scindia, set out from Calcutta on the 19th ult. for Scindia's Camp.

Captain J. A. P. M'Gregor, of the 7th Regiment Native Infantry, has been appointed an honorary Aide-de-Camp to the Right Honorable the Governor General.

John Angus, Esq. succeeds to the situation of third Commissioner in the Court of Requests vacant by the death of the late P. Moir, Esq.

Mr. [illegible] Leslie, we understand, is appointed [illegible] to the Court.

ARRIVALS.—May 29, Ship Mentor, Captain Merriman, from Rangoon, 3d May.—Passengers: Messrs. Frinners and Lane,—do. 30, Cape Packet, Captain Young, from Vizagapatam the 24th ultimo, with salt.—do. 31, Ship Minerva, Captain E. Howe, from Bombay, and last from Madras the 24th May.

DEPARTURES.—May 26, Brig Margaret, Captain Baillie, bound to Penang.—do. 27, Ship Resource, Captain Simpson, Bombay.

BOMBAY COURIER,

SATURDAY, JUNE 2, 1810.

Bombay Castle, 28th May 1810.

Capt. S. Dick of His Majesty's 22d Regiment of Light Dragoons having returned from Europe, will resume the situation of Aid-de-Camp to the Hon'ble the Governor.

May 26th Arrived the Hon'ble Company's Ship Winchelsea, Capt. Hon'ble H. Lindsay, from ditto.

Ditto Hon'ble Company's Ship Wexford, Capt. William S. Clarke, from ditto.

Ditto Hon'ble Company's Ship Earl Camden, Capt. H. M. Samson, from ditto.

Ditto Hon'ble Company's Ship Arniston, Capt. Samuel Landon, from ditto.

Ditto His Majesty's Ship Illustrious, Capt. W. B. Broughton, from England.

Ditto Hon'ble Company's Schooner Zephyr, Lieut. H. Hardy, from a Cruize.

27th Ship Sullamany, Capt. T. D. Finey, from China.

Ditto Ship Shaw Byramgore, Captain J. Robson, from Madras.

BOMBAY GAZETTE.

WEDNESDAY, JUNE 6, 1810.

On Monday last, being the 50th Anniversary of our Gracious King's Birth day, the Honorable the Governor, gave a splendid entertainment at the Government House at Parell, to the Settlement at large.

The Gardens were most brilliantly illuminated; and the Ball and Supper Rooms displayed many appropriate, patriotic transparencies, on all of which, the aptness of the motto's excited frequent remark and approbation.

The Music, Supper and Refreshments were all excellent in their kind.

The fireworks were of the finest sort, and aided by the extraordinary local advantages under which they were exhibited, together with the extreme darkness of the night, produced a magnificent effect.

In fine, the celebration of the Jubilee In this our little island, was too well conducted, to require the assistance of Panegeric, however elaborate or successful, and we shall perhaps best fulfil the purpose of record, by plainly stating that, MUCH TASTE, GENIUS AND LIBERALITY, HAD BEEN ASSIDUOUSLY AND SUCCESSFULLY EMPLOYED.

We have a painful duty to fulfill, in reporting the total loss by fire, of the Country Ship, the Rebecca, Captain Rudduck, which sailed from this port at noon on the 31st ult. bound for England.

The ship was discovered to be on fire about ten o'clock on the same evening, and the crew were compelled to entirely abandon her before midnight.

On this melancholy occasion the Chief Officer and one Lascar were drowned.

June 1.—Sailed ship Milford, Capt. Charles Larmouth, to England.—Ditto 1.—H. M. ship Illustrious, W. R. Broughton, Esq. Captain to Sea.

Ditto 2.—Arrived Brig Arrlel, Lieutenant J. Watkins, from Muscat.—Ditto—Brig Olive Branch, Cnptain H. Cowcher, from Sumatra.

Sailed ship Aurora, Captain Andrew Glass, to Bengal.—Ditto 3.—Ditto Brig Fattay Khair, Captain J. D. Plaming, to Penang.—Ditto 3.—Arrived Portuguese Brig, Nossa Senhora, de Brotas, Captain Vicente Pereira, from Goa.—Ditto 3.—Ditto. The Brig St. Antonio, Captain Jacob Serinnes, from Columbo.

English Extracts.

LONDON,—DECEMBER 21ST.

THE COURT.

Yesterday, about half past twelve o'clock, his Majesty arrived at the Queen's Palace, from Windsor, where he was received by the Dukes of Kent and Cumberland.

This being the day appointed for the Persian Ambassador to be presented to his Majesty, crowds of persons assembled in the Park, and the streets leading to his Excellency's house, in Mansfield-street.

About one o'clock his Majesty's carriage, and six beautiful Bay Horses, with the servants in their new state liveries arrived, together with two new carriages of his Excellency's built by Bushnel, and the carriage of Sir Stephen Cottrell, the Master of the Ceremonies.

The liveries of his Excellency are scarlet, and the Waistcoat and Breeches green, with gold lace. The carriages drew up with the Horses' heads towards Cavendish-street, for the purpose of his Excellency's getting into the carriage first, and getting out first, when it stopped at the Palace. In a short time afterwards his Excellency came out of the house, carrying his credentials in his hand, in an elegant gold casket, upon a salver, covered with crimson velvet. His Excellency appeared highly pleased with the grand appearance of his Majesty's carriage and superb liveries, and also with the reception of the people present, who took off their hats and gave him three cheers. A party of the Bow-street Patrole attended to keep order.

Mr. Chester, the Deputy Master of the Ceremonies, Sir Stephen Cottrell, the Master of the Ceremonies being indisposed, and Sir Gore Ousley, took their seats in the carriage with his Excellency.

His Excellency's carriage followed, with Mr. Morier, and other attendants. In the third carriage were two pages, his Excellency's Priest, and Mr. Dorant, the interpreter to the attendants and household.

The procession was led by the carriage of Sir Stephen Cottrell.

The Streets were crowded to excess, and the Park was so extremely thronges, that it was with great difficulty the carriages could pass.

It being the determination of Government to shew his Excellency every possible mark of respect and distinction, he was allowed to enter the Queen's Palace by the great doors in front, where no other person is allowed to enter but those of the Royal Family; all others go in by the lodge. His Excellency entered about a quarter before two o'clock. He was accompanied to the state appartments by Mr. Chester, Sir Gore Ouesley, and Mr. Morier, the other attendants remained in the Great Hall.

Soon afterwards his Majesty being informed of the arrival of his Excellency, his Majesty signified his royal pleasure to receive him, when he was conducted by Mr. Chester, the Deputy Master of the Ceremonies, and introduced by the Marquis Wellesley, as Secretary of State for Foreign Affairs. His Excellency, after the usual ceremonies, delivered his credentials to his Majesty, and was most graciously received. After his introduction he remained in conversation with the Marquis Wellesley, who, together with Mr. Chester, Sir Gore Ousley and Mr. Morier, conducted his Excellency to his Majesty's carriage about a quarter before three o'clock, and his Excellency returned to his house, where the crowd was extremely great. The populace gave his Excellency three cheers again, upon his leaving the carriage.

JANUARY 14.

The Livery of London assembled on Tuesday at Common Hall, for the purpose of receiving the report of the Sheriffs, relative to the presentation of the Address and Petition lately voted to his Majesty. The Lord Mayor opened the business of the meeting, after which the crier read the report of the Committee, stating, in substance, that it was his Majesty's pleasure that their Petition should be delivered at the Secretary of State's Office, in consequence of the public Levees having been discontinued for the last foor years, owing to the defective condition of his Majesty's eye-sight; and that the liberty to present it at the private Levee had been refused. Mr. Favell then addressed the Livery at some length, commenting with great severity on this attempt of Ministers to stifle inquiry, and observing, that one of the strongest features of a free Constitution, as distinguished from despotism, was liberty of access to the Sovereign. He concluded, with proposing a string of resolutions, which went to declare—1st the right of the Livery to petition—2d denominating the refusal to receive such petition "a flagrant violation of the rights, of the Livery." &c.—3d that complaints against his Majesty's Servants are likely to be nugatory, if they must previously pass through the hands of his Ministers—4th that those who advised his Majesty to refuse receiving the petition, have committed a breach of their duty, violated one of the first principles of the Constitution, and abused the confidence of their Sovereign—5th instructing their Representatives in Parliament, to support all motions of inquiry, and also the reform in the Parliamentary Representation—6th desiring the Sheriff's, &c. to wait upon his Majesty with these resolutions—7th Votes of thanks to the Lord Mayor, and Mr. Sheriff Wood. Messrs. Waithman, Quin, Jones, Alderman Combe, the Lord Mayor, and Mr. Sheriff Wood, supported the Resolutions, which were carried unanimously. Sirs W. Curtis and J. Shaw, with Mr. Sheriff Atkins, could only obtain a partial hearing.

Notwithstanding the series of disasters which the Patriots have suffered in Spain, hopes are still indulged, and we are now told that the army of the centre, quartered in La Carolina, is stronger than ever. The following is an extract of a letter which came to our hands yesterday, dated from the seat of Government:—

SEVILLE, DEC. 26.

"The crisis of affairs in the South of Spain is now rapidly approaching; and from the determined spirit of resistance manifested by all classes of people, it is expected that much blood will be shed. The French, by the vast accumulation of numbers, may overpower, but can never subdue the nation, or presume on having the complete and quiet possession of a country whose inhabitants are stimulated against them by all the furious passions of revenge.

"Seville is very much crowded, owing to the vast concourse of itinerants who are flocking in hither from all quarters of Andalusia and La Mancha, and who are preparing to give the enemy a warm reception, should he be bold enough to penetrate the defiles of the Sierra Morena."

Yesterday a Court of Directors was held [illegible] East India House, when Colonel Bladon [illegible] took the usual oaths and his seat in the [illegible]tion.

The undermentioned Commanders took leave of the Court previous to departing for their respective destination:

Captain Millaken Craig, Elphinstone; Bombay and China.

Charles Graham, William Pitt; Henry Merlton, Ceylon, Madras and Bengal.

In the present state of the relations between this country and America, it is not unworthy of remark, that the Minister of the United States, and his Lady, were yesterday at Court.

The will of the late Dr. Gray, of India, whereby he bequeathed 30,000l. to the town of Elgin for pious purposes, which was disputed by his friends, and has been, for some time past, the subject of a Chancery suit, has, by a late decision of that Court, been declared valid, and the town of Elgin found entitled to the whole amount.

The Address in the House of Commons on the meeting of Parliament, it is said, will be moved by Lord Bernard, the son of the Earl of Bandon, and seconded by Mr. Peele, the son of Sir Robert Peele.

The following is a proclamation issued by General Kellerman. It is a most atrocious instance of military violence.

OFFICIAL PROCLAMATION.

"Considering the necessity of multplying the resources of the army of his Imperial Majesty, and of depriving the rebels and traitors of the means, of procuring animals to accomplish their atrocious designs, it is hereby declared, that all the horses and mares belonging to the provinces in Upper Spain, viz. in the districts of Salamanca, Zamoras, Tore, Leon, Placentia, Burgos, Guipuscoa, and Alava, of the height of four feet four inches, or five feet and half an inch of the measure of Spain, and from thence upward, are in requisition for the service of the armies of France, and are to be conducted to the capital of the respective Governments, where they are to be received and maintained by the Governors, until the returns made to me shall enable me to give directions for the disposal of them.

"All the horses of less than 4 feet 4 inches, or 3 feet ½ inch, Spanish measure, also mares pregnant for more than 3 months, and horses and mares that are not 30 months old, and less than the height mentioned, are to have the left eye put out, and are to be rendered by other proper means unfit for military service by the proprietors themselves. Those who presume to disobey this command are to be mulcted in four times the value of the animal.

"The execution of this order is to be committed to the Governors, Commandants of Arms, and to the Commandants of Detachments and Flying Columns.

(Signed) "KELLERMAN,
General of Division, and Gov. Genl. of Upper Spain."
28th Oct. 1809.

In consequence of the unfortunate action of Ocana, the Supreme Junta came to the resolution of sending Marquis de la Romana and Don Riquelme to the head quarters in Corolina, for the purpose of requiring the disalters which the army of La Mancha had sustained; but the Marquis, conceiving that the appointment was intended to get rid of him, refused to proceed and published an animated address to the Spanish nation, pointing out the inefficiency of the Junta, and urging the speedy convocation of the Cortes. The army of the Duke del Parque is ttated to have been joined by 22,000 Gallicians, and the one defeated at Ocana has also been reinforced. The enemy are pouring reinforcements into Spain. The army under the command of Victor and Mortier, had extended itself over nearly the whole of La Mancha its head-quarters were at Ciuded Real; the Spanish army of La Mancha was at Valdepenas and the neighbouring town, and its head-quarters at Carolina.

The following recent letter from France, if correct in its statement (of whice we entertain no doubt), will materially alter the public relations between this country and the United States. Our Orders in Council were occasioned by the promulgation of the Berlin Decree; if this latter be rescinded, the former will become a nullity, and thus one cause of our difference with America be removed.

"PARIS JAN. 1—The Merchants have lately had several conferences with the Ministers of his Imperial Majesty, on the present state of affairs; and have submitted to them, that trade has, since the Berlin and Milan Decrees, taken quite a new direction, and is carried on by very circuitous routes, and by persons disavowed by the real Merchants. The Ministers announced, that his Majesty's intention was, that Neutrals might trade freely with France, and France with neutral countries, that the abovementioned Decrees had been pointed only against the commerce of England; and that, if they have been misinterpreted, and a false meaning given to them, the Merchant should make representations, which would be favourably heard. It already appears to be agreed, that the *visit at sea, a measure of policy adopted by all nations, is not a violation of neutral rights*, and that the Decree of Milan was intended only to prevent the visit directed by the Orders of Council, of November 1807; by which Neutrals were obliged to go to England, and there pay a tribute: It is also understood, that the embargo and provisional sequestration of Ame-

Vol. 26. No. 1289. MADRAS COURIER. 53 JUNE 19, 1810.

rican vessels in France, were, in consequence of the Embargo Law of America, followed by the Non-Intercourse Act; that we therefore considered the Americans, who came into our ports, as disguised Englishmen; and that since [Am]erica has repealed her laws, ours should [illegible] of themselves. The merchants flatter them[selv]es, from these communications, and from [the] news lately received, that America was [illegible] disposed to yield to England, that the political relations between the two countries, for the establishment of perfect harmony, will become active; and as it seems that both nations have a well pronounced intent in their success, they will probably agree on some provisional basis, and permit trade to resume its relations, reserving the ulterior discussion on the great question of maritime rights.

It may have surprized many of our Readers to see the *non-chalance* with which Bonaparte dissolved his marriage with Madame Bonaparte—without any recurrence to the form of the Church, or to any dispensation from the Head of the Church. The fact is, that his marriage was contracted during the period when marriages were considered in France as mere civil contracts, and were not celebrated in Church. The parties went before a Municipal Officer, and were there registered as man and wife, without taking any oath or observing any religiobs form or ceremony.

Our Negociations with America have been traversed by many an-awkward and unforeseen obstruction. They are still in a perplexing and precarious state, but haughty and insulting as in the tone the American Ministry seem now to assume, it is to be hoped that there is yet sufficient temper and good sense in the Congress to prevent an explosion between the two countries.

TO THE PUBLIC.

Now that the late unfortunate disputes relative to Covent-Garden Theatre are happily at an end, I trust that I will not be accused of presumption in thus coming forward in my own behalf, and indulging the hope that I alone shall not be excluded from the general amnesty, I have been Thirty-Nine Years in the Box-Office of that Theatre, and I humbly appeal to its visitors, whether, during that long period, I have not served them with the utmost fidelity, zeal, and impartiality. It was with the deepest regret, independently of all personal considerations, that in my anxiety to discharge what I conceived to be my duty, I found I had given offence to any individual. I presume to hope that the feelings which urged my dismission from a situation that I had so long held, have subsided, and that the public at large will accept my hearty contrition, as an atonement for every thing that has been deemed improper in my conduct. If, then, the characteristic generosity and clemency of Englishmen will accept this sincere expression of regret, and permit me to resume my station, it shall be my constant endeavour, by every exertion, to evince my gratitude for their kindness.—I have the honour to remain.

With great respect, their most devoted,
and very humble servent,
JAMES BRANDON.

Bow-street, Covent-Garden, Tuesday, Jan. 9, 1810.

One letter of Col. Wardle's has already got before the public, probably as a specimen. The following is a copy:

LETTER FROM G. L. WARDLE, ESQ. TO J. GLENNIE, ESQ.

(Copy) Eight o'clock, Saturday Morning.

MY DEAR SIR,—Will you, after seeing Mr. Wright, the upholsterer, Rathboneplace, meet Major Dodd and myself at Fladong's Hotel, about a quarter before twelve o'clock.

I hope you will be able to prevail upon Mr. Wright *to let Mrs. Clarke know* that he will be satisfied to wait till the end of the next month, Do urge to him the impossibility of its being arranged, as we proposed, through the medium of the Book-seller, without our committing Mrs. C. and ourselves, which, assure him, would be of consequence fatal in an extreme he cannot conjecture. *The great object is, that Mrs. C.'s mind should be rendered perfectly easy;* and if Mr. W. will do so, I shall feel myself much obliged, and not unmindful of his attention to such my wishes (and anxious ones they are!) upon the subject.

Your's my dear Sir, ever faithfuly,
GM. LL. WARDLE.

January 12, 1810.

To JAMES GLENNIE, ESQ.

WAR OFFICE, JANUARY 6.

1st. Regiment of Dragoon Guards—General Francis Lord Heathfield, from the 20th Light Dragoons, to be Colonel, vice General Sir William Pitt, deceased.

20th Regiment of Light Dragoons—Major General Lord William Bentinck, from the half pay of the late 24th Light Dragoons, to be Colonel, vice Lord Heathfield, appointed to the Command of the 1st Dragoon Guards.

73th Regiment of Foot—Captain Martin Lindsay to be Major without purchase, vice M'Donnell, promoted.

79th Ditto—Brevet Lieutenant Colonel Richard Bourke, from the Quarter-Master General'[s] [illegible] to be Major vice Riddell, who exchanges.

AMERICA.

(FROM THE FEDERAL REPUBLICAN.)

"Peace, Commerce and Prosperity, has been the cry of the democratic leaders, while they have exhausted ingenuity and tortured invention to involve us in a war with the only nation on the globe which has the power to injure us. Nor is this the least of our objections to these deceitful and imprudent men. In a moment of irritation, they have quarrelled about an irrelevant, paltry, and immaterial point of controversy, and, without a moments reflection, hurried away by headstrong passion, they have dismissed the British Minister, and perhaps cut off every retreat from a ruinous and unnecessary war. Yes, an unnecessary war! A war, which these very men, who have contrived to render it almost inevitable, have neglected to furnish the means of conducting with the most distant prospect of success. Where is our army? Where our navy? In what condition are the fortification in our sea-port towns? Shall we look to Wilkinson's army for protection? Shall we commit the safety of our cities to the defence of a handful of dismantled frigates, & half drowned gun-boats? And who has placed our country in this defenceless and unprotected situation? The very men who have been striving for years to involve us in a war with the most formidable power of the earth, and at all hazards are resolved to gain their ends. Let them look to it. When our towns are battered about our ears, for want of means of defending them, who will be found to adore and admire the wisdom, the prudence, the capacity of our rulers? Bravery is nothing without the means of [defend]ing. No people have more fortitude and courage than the Americans.—But what of that? When New York or Norfolk are bombarded, shall they stand upon the naked beach firing pop-guns at British 74's, and be mowed down like corn-stalks? They would do it rather than submit, but what would it avail? Would it not be cruel, savage, to expose brave men to be butchered in the field, for want of the means of defending themselves? But General Smith's brother, Robert, the Secretary, says we shall have war, *he will* have it so, therefore let us haste and buckle on our armour."

AMERICAN PAPERS.

These Papers contain the annual Report of Mr. Gallatin, the Secretary of the Treasury, Vulgarly called "The Budget." It states, that the expences of Government, exclusive of the payments on account of the Capital of the debt for the year expired, have exceeded the recipts into the Treasury by a sum of nearly 1,300,000 dollars. It then proceeds to state the Supplies, and Ways and Means for the year 1810: and shews, that unless the expences of the Naval and Military Establishment for that year should be reduced to about 3,000,000 of dollars, a loan will be necessary to make up the deficiency.

The Report next proceeds to some calcularion upon the probable expences of 1811, and concludes thus:—

"Whatever may be the decision of Congress in other respects, there is a subject which seems to require immediate attention. The provisions adopted for the purpose of carrying into effect the non-intercourse with England and France, particularly as modified by the act of last Session, under an expectation that the Orders of Council of Great Britain had been revoked, are sufficient, and altogether inapplicable to existing circumstances. It will be sufficient to observe, that exportation by land is not forbidden, and that no bonds being required from vessels ostensibly employed in the coasting trade, nor any authority vested by the law which will justify detention, those vessels daily sail for British ports without any other remedy but the precarious mode of instituting prosecutions against the apparent owners. It is unnecessary, and it would be painful to dwell on all the effects of these violations of the laws. But without any allusion to the efficiency or political object of any system, and merely with a view to its execution, it is incumbent to state, that from the experience of the two last years, a perfect conviction arises, that either the system of restriction, partially abandoned, must be reinstated in all its parts, and with all the provisions necessary for its strict and complete execution, or that all the restrictions, so far at least as they affect the commerce and navigation of the citizens of the United States ought to be removed—All which is respectfully submitted.

"ALBERT GALLATIN,
Sec. of the Treasury."

Treasury Department, Dec. 9th 1809.

AMERICAN CONGRESS.
OPENING OF THE SESSION, Nov. 27.

THE PRESIDENT'S MESSAGE.

"Fellow Citizens of the Senate, and House of Representatives.

"At the period of our last Meeting, I had the satisfaction of communicating an adjustment with one of the principal belligerent nations, highly important in itself, and still more so as presaging a more extended accommodation. It is with deep concern I am now to inform you, that the favourable prospect has been overclouded, by a refusal of the British Government to abide by the act of its Minister Plenipotentiary, and by its ensuing policy towards the United States, as seen through the communication of the Minister sent to replace him.

"Whatever pleas may be urged for a disavowal of engagements formed by diplomatic functionaries, in cases where by the terms of the engagement a mutual ratification is rese[rv]ed; or whe[re] n[illegible] at the time may have been gi[ven] of a departu[re fr]om instructions; or in extraordina[ry] cases, essentia[lly] violating the principles of equity, [a] disavowal could not have been apprehended in a c[as]e where no such notice or violation existed, where n[o] such ratification was reserved, and more especiall[y] where, as is now in proof, an engagement, to be e[xec]uted without any such ratification, was contemplat[ed b]y the instructions given, and where it had, with [go]od faith, been carried into immediate execution o[n t]he part of the United States.

"Th[es]e considerations not having restrained the Britis[h G]overnment from disavowing the arrangement by virtue of which its Orders in Council were to be revoked, and the event authorising the renewal of commercial intercourse having thus not taken place, it necessarily became a question of equal urgency and importance, whether the act prohibiting that intercourse was not to be considered as remaining in legal force. This question being, after due deliberation, determined in the affirmative, a proclamation to that effect was issued. It could not but happen, however, that a return to this state of things, from that which had followed an execution of the arrangement by the United States, would involve difficulties. With a view to diminish these as much as possible, the instructions from the Secretary of the Treasury, now laid before you, were transmitted to the Collectors of the several ports. If in permitting British vessels to depart, without giving bonds not to proceed to their own ports, it should appear that the tenor of legal authority has not been strictly pursued, it is to be ascribed to the anxious desire which was felt, that no individuals should be injured by so unforeseen an occurrence, and I rely on the regard of Congress, for the equitable interests of our citizens, to adopt whatever further provisions may be found requisite for a general remission of penalties involuntarily incurred.

"The recal of the disavowed Minister having been followed by the appointment of a succeffor, hopes were indulged that the new Minister would contribute to alleviate the disappointment which had been produced, and to remove the causes which had so long embarrassed the good understanding of the two nations. It could [not be do]ubted that he would at least be charged with conciliatory explanations of the step which had been taken and with proposals to be substituted for the rejected arrangement. Reasonable and universal as this expectation was, it also has not been fulfilled. From the first official disclosiues of the new Minister, it was found that he had received no authourity to enter into explanation, relative to either branch of the arrangement disavowed nor any authority to substitute proposals, as to that branch, which concerned the British Orders in Council; and finally, that his proposals with respect to the other branch, the attack on the frigate *Chesea-peake*, were founded on a presumption, repeatedly declared to be inadmistible by the United States, that the first step towards adjustment was due from them; the proposals, at the same time, omitting even a reference to the officer answerable for the murderous aggression, and asserting a claim not less contrary to the British laws, and British practice, than to principles and obligations of the United States.

"The correspondence between the department of State and this Minister will shew how inessentially the features presented in its commencement have been varied in its progress. It will shew also, that forgetting the respect due to all governments, he did not refrain from imputations of this, which required that no further communications should be received from him. The necessity of this step will be made known to his Britannic Majesty through the Minister Plenipotentiary of the United States in London. And it would indicate a want of confidence due to a government which so well understands and exacts what becomes foreign Ministers near it, not to infer that the misconduct of its own Representative will be viewed in the same light in which it has been regarded here. The British Government will learn, at the same time, that a ready attention will be given to communications, through any channel which may be substituted. It will be happy, if the change in this respect should be accompanied by a favourable revision of the unfriendly policy which has been so long pursued towards the United States.

"With France, the other belligerent, whose trespasses on the commercial rignts have long been the subject of our just remonstrances, the posture of our retation does not correspond with the measures taken on the part of the United States, to effect a favourable change. The result of the several communications made to her Government, in pursuance of the authorities vested by Congress in the Executive, is contained in the correspondence of our Minister at Paris, now laid before you.

"By some of the other Belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controuled or repressed. In these cases the interposions deemed proper on our part have not been omitted. But it well deserves the consideration of the Legislature, how far both the safety and the honour of the American flag may be considered, by adequate provisions against that collusive prostitution of it, by individuals unworthy of the American name, which has so much favoured the real or pretended suspicions under which the honest commerce of the fellow citizens has suffered.

"In relation to the powers on the coast of Barbary nothing has occurred which is not of a nature rather to inspire confidence than distrust, as to the continuanee of existing amity. With our Indian neighbours, the just and benevolent system continued toward them has also preserved peace, and is more and more advancing habits favourable to their civilization and happiness.

"From a statement which will be made by the Secretary of War, it will be seen that the fortifications on our maritime frontier are in many of the ports completed, affording the defence which was contemplated, and that further time will be required to render complete the works in the harbour of New York, and in some other places. By the enlargement of the works, and in the employment of a greater number of hands at the public armouries, the supply of small arms of an improving quality, appears to be annually increasing, at a rate, that with those made on private contract, may be expected to go far towards providing for the public exigence.

"The Act of Congress providing for the equipment of our vessels of war having been fully carried into execution. I refer to the statement of the Secretary of the Navy for the information which may be proper on that subject.—To that statement is added a view of the transfers of appropriations, authorised by the Act of the Session preceding the last, and of the grounds on which the transfers were made.

"Whatever may be the course of your deliberations on the subject o[f our] military establishments, I should fail in my dut[y in n]ot recommending to your serious attention the [impor]tance of giving to our militia, the great bulwark of our security, and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

"The sums which had been previously accumulated in the Treasury, together with the receipts during the year ending on the 30th of September last (and amounting to more than [illegible] [do]llars), have enabled us to fulfill [illegible]s, and to defray the current expe[illegible] [wi]thout recurring to any loan. [Bu]t the insecurity of our commerce, and the consequen[t] diminution of the public revenue, will probably produce a deficiency in the receipts of the ensuing year, for which and for other details, I refer to the statements which will be transmitted from the Treasury.

"In the statement which has been presented of our affairs with she great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to all the United States as a neutral nation, the wisdom of the National Legislature will be again summoned to the important decision of the alternatives before them. That these will be met in a spirit worthy the councils of a nation, conscious both of its rectitude and of its rights, and careful as well of its honour as of its peace, I have an entire confidence. And that the result will be stamped by a unanimity becoming the occasion, and be supported by every portion of our citizens, with a patriotism enlightened and invigorated by experience, ought as little to be doubted.

"In the midst of the wrongs and vexations experienced from external causes, there is much room for congratulation on the prosperity and happiness flowing from our situation of home.—The blessing of health has never been more universal. The fruits of the seasons, though in particular articles and districts short of their usual redundancy, are more than sufficient for our wants and our comforts. The face of our country every where presents the evidence of laudable enterprize, of extensive capital, and of durable improvement. In a cultivation of the materials, and the extension of useful manufacturers, more especially in the general application to household fabrics, we behold a rapid diminution of our independence on foreign supplies. Nor is it unworthy of reflection, that the revolution in our pursuits and habits is in no slight degree a consequence of our impolitic and arbitrary edicts, by which the contending nations, in endeavouring each of them to obstruct our with the other, have so far abridged the commerce means of procuring the productions and manufactures of which our own are now taking the place.

"Recollecting always, that for every advantage which may contribute to distinguish our lot from that to which others are doomed by the unhappy spirit of the times we are indebted to that Divine Providence, whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to inspire from the same omnipotent source a blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

"JAMES MADISON."

HOUSE OF REPRESENTATIVES.

DECEMBER 4.

Mr. Trouh submitted a number of resolutions, whose object was the vindication and protection of our commercial rights against the hostile aggressions of the belligerents of Europe. He remarked, that the commerce, the small remnant of commerce, which we were suffered to enjoy on the ocean, it was not difficult to ascertain—so little was there of it! It was but right that we should discover upon what principle it was, that England and France had issued their Orders and Decrees against neutral commerce. It was not a belligerent right; because, if we submitted to the mere paper proclamations of blockade and commercial exclusion in time of war, we must likewise submit to them in intervals of peace. They were equally illegal at all times. They were not founded upon any one right whatever growing out of a state of war. What, said he, was to prohibit us from doing to England and France what they do to us? If England gave out licences to to all our vessels to trade to the Continent, let us too levy duties and grant licences to her ships to trade to the Brazils and the Spanish Main, a trade which was almost wholly engrossed by her, and to which she had no more claim than we have. If France and England seize our vessels, and detain and confiscate ehe property of our merchants, we have the same right to do so to them. These resolutions would not lead to hostility more than any other measure whose object was fimilar to that which they were intended to effectuate the maintenance of our commercial rights. In regard to France, they would approach nearer to war than in regard to England, as the difference in their application to those two nations will shew France had little or no commerce upon the ocean! and these measures would seem to vindicate towards her a more unequivocal hostility than towards Great Britain.

1. Resolved. That it is expedient to authorise the President by law to instruct the Commanders of armed vessels of the United States, to stop and bring into the ports of the same all vessels, with their cargoes, the property of the subjects of the King of Great Britain or the Emperor of France, bound to other ports than those within the dominions or colonies of either.

2. Resolved. That it is expedient further to authorize by law the detention of all ships or vessels, with their cargoes, the property of the subjects of the King of Great Britain, until the duties, to be regulated and ascertained by law, shall be first levied and collected upon the goods and merchandise whereof the said ships shall be laden, or tarif therein prescribed, and until the said ship or vessels have received due licence to depart.

3. Resolved. That it is expedient further to authorize by law the detention of all ships or vessels, with their cargoes, the property of the subjects of the Emperor of France, brought within the ports of the United States, there to abide the final decision or Order of the Government.

AMERICAN REPORT ON THEIR FOREIGN RELATIONS.

The Committee of both Houses, appointed to consider and report on the expediency of expressing the sense of the Legislature on the present ALARMING STATE *of our* FOREIGN RELATIONS, *and on the causes which have produced it; and whether any and if any, what measures may be adopted to prevent the evils of impending* WAR *—have attended to the duties of their appointment, and find on examination,*

That by the Message of the President of the United States to Congress, at the opening of the present Session, and the documents therewith transmitted, it appears that a Minister deputed by the government of Great Britain, to this country, with full powers to negotiate and conclude an accommodation of all controversies subsisting between the two nations, after being accredited and having entered upon the object of his mission was suddenly informed by the American Minister, that no further communication would be received from him, in consequence of an alleged offence in the language used in some part of his correspondence. This event, viewed in connection with the resolutions of Congress, and the resentment discovered, and measures proposed by the

(Continued in the Supplement.)

ADVERTISEMENT.

LETTERS of Administration of the Estate and Effects of Lieutenant Colonel WILLIAM WRIGHT, deceased; late of His Majesty's 30th Regiment of Foot (with his Will annexed) having been granted by the Supreme Court of Judicature at Madras, to GILBERT RICKETS, Esq. as Register of the said Court, pursuant to the Act of the 39th and 40th years of his present Majesty, Chapter 79th Section 21st.—All Persons having claims on the said Estate, are requested to make them known to the said Administrator, and all those indebted to the said Estate, are desired to pay the same to him, without delay.

FORT ST. GEORGE, 11th June, 1810

ADVERTISEMENT.

LETTERS of Administration of the Estate and Effects of Mr. EDWARD CAMPBELL, deceased; late a Merchant at Cheddumbarum, having been granted by the Supreme Court of Judicature at Madras, to GILBERT RICKETS, Esq. as Register of the said Court, pursuant to the Act of the 39th and 40th years of his present Majesty, Chapter 79th Section 21st.—All Persons having claims on the said Estate, are requested to make them known to the said Administrator, and all those indebted to the said Estate are desired to pay the same to him, without delay.

FORT ST. GEORGE, 13th June, 1810.

ADVERTISEMENT.

PROBATE of the last Will and Testament of JOHN FITZPATRICK, Esq. late a Major in the Service of the Honorable East India Company on their Madras Establishment deceased; having been granted by the Supreme Court of Judicature at Madras to Messrs. JOHN BINNY and ROBERT DENNISON, two of the Executors therein named.—All persons having demands upon, being indebted to, or holding property belonging to the said Estate, are requested forthwith to state their claims, pay their debts, and deliver up the Property to the said Executors at Madras.

MADRAS, 31st May, 1810.

THE TRUSTEES for the late Firm of Messrs. CHASE, CHINNERY, MACDOUALL and Co. give notice that a Dividend of Three per Cent. will be made on the First of July next, upon the reduced Principal of all claims upon that Copartnership, after the payment of the first Dividend, of whatever nature or description they may be.—The Dividend Book will remain for signature at the office of Mr. DANIEL NEALE, Solicitor to the Trust.

By order of the Trustees,

EDWARD WATTS,

Agent to the Trust.

MADRAS, 31st May, 1810.

ADVERTISEMENT.

The 19 *Manoeuvres,*

ILLUSTRATED WITH

TWENTY-FIVE COPPER PLATES.

A FEW Copies of the Nineteen Manœuvres of the British Army, recently published by an Officer in Bengal, are just received from Calcutta, and may be had at the Office of Messrs. BINNY, DENNISON and Co. where Subscribers are requested to apply.

A few additional Copies of the above work may be had by Non-subscribers on application as above, at Four Pagodas each Copy.

MADRAS, *June* 5, 1810.

NOTICE is hereby given, that the unexchanged forfeited Numbers in the Government Lottery, are for Sale, at the Lottery Office, at 23 Pagodas each, and will continue to be Sold, according to the encreasing value regulated by the state of the Wheel at the close of each Days drawing.

The next Days drawing will be on Thursday the 21st Instant.

J. L. HEEFKE, AGENT.

Fort St. George, Government Lottery Office, 18th June

DESERTED.

FROM the Band of His Majesty's 30th Regiment, 5th Instant, ANTONIO ROSARA, a Native of Bombay, aged 26 years, five Feet five Inches high, (colour) Black, black Eyes, Black Hair, round visage, plays on the Trumpet, Bugle, French Horn, a litte on the Clarinet and Violin. It is requested that should the above Deserter offer to engage into any of His Majesty's or the Honorable Company's Regiments, that he may be Detained and Notice given to the Officer Commanding His Majesty's 30th Regiment.

TRICHINOPOLY, 10th June, 1810.

Bills on England.

FROM 12 to 1300 £ Sterling will be drawn for by Bills at 30 days Sight on account of Clothing due His Majesty's 89th Regiment. Proposals will be received by the Paymaster of the Regiment on or before the 1st day of July next.

Fort St. George, 18th June, 1810.

To all who are fond of that noble Animal THE HORSE,

EARLY in January will be published, a Treatise on Farriery, in which the Diseases of the Horse are arranged according to their natural connexions and the most simple and effectual means of cure detailed.—It will be preceded by an Essay on the structure and economy of his limbs and an account of the accidents to which they are liable—and accompanied by a List of such Articles of the Materia Medica as are to be found in the bazars of this Country with their name in the English, Persian, Hindoostanee, Marhatta and Tamul Languages, in one volume Octavo, Price Six Pagodas.—It is requested that such Gentlemen as wish Copies will send their names early to the Printer of this Paper, that the Author may ascertain the probable number of Copies that will be required.

A CARD.

FOR SALE,

AT

THE COURIER PRESS,

PROCEEDINGS

OF A

General Court Martial

HELD

AT BANGALORE,

ON

THE TRIAL

OF

Lt.-Col. J. Doveton,

OF

THE 8th REGIMENT NATIVE CAVALRY.

PRICE 2 PAGS.

Orders from the Country are requested to be accompanied by reference for payment at Madras.

APPASAWMY,

WILL SELL

BY PUBLIC AUCTION,

THIS DAY,

TO THE HIGHEST BIDDER,

A QUANTITY

OF

VERY GOOD

BRANDY,

IN SMALL CASES

OF

TWELVE BOTTLES EACH,

A FEW DOZEN

OF

TEA & COFFEE

Cups and Saucers,

THE UNCLEARED LOTS

OF

GLASS-WARE,

A FEW PIECES

OF

Europe Chints.

AND

A VARIETY OF OTHER

ARTICLES.

APPASAWMY,

WILL HAVE

A LARGE SALE OF DIFFERENT

ARTICLES

ON FRIDAY NEXT,

HAND BILLS

OF WHICH ARE PUBLISHING.

JUNE 19, 1810.

SALES BY AUCTION.

TO BE SOLD BY PUBLIC AUCTION,

By Balfour and Hogg,

AT THEIR AUCTION ROOM,

On FRIDAY next, the 22d Instant,

SALE TO COMMENCE,

AT HALF PAST 10 O'CLOCK,

THE FOLLOWING

ARTICLES,

TO CLOSE A CONCERN,

ONE single piece of Blue Nankeen, two Rolls China Blue Lutestring, four ditto Yellow ditto, five ditto Green ditto, one Roll Blue Sattin, five pieces Canton Cloth, eight pieces of Green, Yellow, and Pink Pelongs, eight Rolls of Checked Sarsnets, eleven pieces of Boglepores, thirteen pair Ladies China Shoes, twelve pieces Broad Brown Nankeen, four Corge Narrow White ditto, twenty and a quarter yards Buff Corderoy.

One and half Ream Superfine Royal Paper, rul'd, one and three-quarter Ream ditto, Medium ditto ditto, one and three-quarter Ream ditto Demy, ditto ditto, four hundred Quills, four dozen of Pink Champaigne.—The above Paper would answer for Binding Office Books.

AND

SUNDRY OTHER

ARTICLES,

AT THE SAME TIME,

Three Camel hair long White Shawls and a Gulner ditto.

TO BE SOLD BY PUBLIC AUCTION,

By Balfour & Hogg,

AT THEIR AUCTION ROOM,

On TUESDAY next, the 26th Instant,

AT 12 O'CLOCK,

A COMMODIOUS Upper Roomed House, situated in Stringer's Street, No. 11. The Premises may be viewed on application to BALFOUR and HOGG, where further particulars may be known.

CONDITIONS OF SALE AS USUAL.

FOR SALE ON COMMISSION.

By Balfour and Hogg,

A SINGLE BARRELLED

G U N,

WITH PATENT BREACH

BY MORTIMER,

IN A CASE,

Price 50 Pagodas.

Balfour and Hogg,

HAVE FOR SALE,

A FEW NEW

TRITCHINOPOLY

Buggy Harnesses,

WITH PLATED

AND

BRASS MOUNTING.

COMMISSION SALE.

Ashton & Meppen,

HAVE JUST RECEIVED

FOR SALE

ON COMMISSION,

THE FOLLOWING

LIQUORS,

HOLLAND'S GIN in Cases and bottles, as also a quantity of Brandy in Bottles, they are authorised to sell the above on reasonable terms.

SALES BY AUCTION.

TO BE SOLD BY PUBLIC AUCTION,

By James Dobbin

On WEDNESDAY next, the 20th Insta

AND

SATURDAY FOLLOWING,

(And to continue every WEDNESDAY and SATURDAY until the whole is disposed off,)

AT A GODOWN,

ADJOINING

Mr. Hurst's Shop,

ON THE BEACH,

OPPOSITE THE HON'BLE COMPANY'S

GRANARY,

STATIONARY,

CONSISTING OF

FOOLSCAP, Letter Paper, Quarto Copy Post, Wove Chitt Paper, Bound Books of sizes, Quills, Black Ink Powder, Blotting Paper, Savagneys Razors in Cases, do. Scissars, Plated Candlesticks, Plated Scewers, Japanned Bread Tray, Ivory Fans, Ridicules, Plain and Embroidered Handkerchiefs, Irish Linen, Cotton and Silk Hose, Needles, Tapes, Ribbon, Thread, Shirt Wire Buttons, Ladies Shoes, Leather Gloves, Military and Jockey Boots, Hoffman's Confectionary and Grocery.

AT 12 O'CLOCK,

A HANDSOME

Mahogany Bureau,

AND

BOOK CASE.

IMMEDIATELY AFTER WHICH,

TEN DOZEN

OF

CLARET,

THE SAME KIND

AS WAS SOLD AT THE SALE

ON SATURDAY LAST.

SALE BY AUCTION.

Ashton & Meppen,

WILL HAVE A SALE

ON FRIDAY NEXT,

THE PARTICULARS

OF

WHICH WILL BE

MENTIONED

IN HAND BILLS.

Government Lottery.

FIRST DAY'S DRAWING,

IN THE

SECOND CLASS,

MONDAY, JUNE 11TH, 1810.

No. 4218 a Prize of 2500 Star Pagodas.

No. 4441 a Prize of 1000 Star Pagodas.

Nos. 566 1947 5078 5238 7975 Prizes of 100 Star Pagodas each.

PRIZES OF 50 STAR PAGODAS EACH.

9	156	345	641	914	674	899	691
801	159	528	1422	1439	1920	1848	1307
1835	1656	1365	1618	1143	1376	1296	2186
2541	2182	2919	2095	2276	2819	2964	2768
2970	2198	2896	2450	2646	2876	3422	3909
3152	3737	3225	3333	3145	3451	3801	3011
3101	4262	4322	4904	4726	4182	4959	4880
4315	4445	4030	4830	4564	4073	4774	4602
4382	4859	4462	5956	5549	5883	5049	5554
5804	5326	5058	5121	5243	5290	5032	5379
6323	6845	6857	6970	6473	6705	6317	6521
6331	6241	6482	6750	6943	6210	6461	6794
6046	6919	6939	6443	7839	7592	7983	7719
7847	7977	7092	7149	7630	7707	7462	7659
7035	7962.						

J. L. HEEFKE, AGENT.

MADRAS:—PRINTED BY M. KELLY, NEXT DOOR TO THE TOWN MAJOR'S HOUSE IN THE FORT.

*** It is requested that those SUBSCRIBERS to the COURIER who are occasionally changing their Residence, will give early notice of the place to which they remove to the PRINTER who will pay attention to their order and any SUBSCRIBERS at the Presidency to whom the Peons may not deliver the Paper in proper time, are requested to give information of the same in order that this irregularity may be prevented in future.

(Continued from the third Page.)

friends of the administration, have materially changed the posture of our relations with Great Britain, since the last meeting of this legislature, and in lieu of the prospect of peace and amity, which we then hailed as so auspicious to our national prosperity, we discern a policy, whose tendency is to produce an open rupture with that nation. A war with Great Britain, in the present state of Europe, and under the existing circumstances of our country, would be, in the estimation of your committee, the greatest calamity that could befall the United States, short of the loss of their liberties and independence, and would, in its consequences, endanger these blessings. A conviction of this truth would justify any member of the confederacy, by whom it should be felt, in the expression of his disapprobation and its fears, even if no measures were adopted by other States, calculated to support the administration in its hostile attitude. But as several of the state legislatures, partaking of the sensibility of the national executive, have approved of the rejection of the British Minister, in a tone which may be deemed to disclose a spirit ripe for open hostility with his nation, it is in our opinion the duty of this legislature to attempt to allay these hostile propensities, and if possible, to prevent a ruinous and unnecessary war, by such an exposition of their sentiments upon the present crisis as may demonstrate the extreme reluctance, with which the people of this Commonwealth would find themselves compelled to engage in this war.

Aware of the danger and inconvenience of collisions between the measures of the national and state governments, and persuaded that harmony and mutual confidence constitute the basis of the power of confederated states; your committee have examined the documents accompanying the Presidential message, with a sincere disposition to discover a sufficient justification for the rupture of a negociation so deeply affecting the interests of the nation.—The cause alleged is, that the British minister in his correspondence, persisted in using terms which implied that the American government had knowledge of the fact, that Mr. Erskine had not authority to conclude the arrangement made by him in behalf of his government, after such knowledge had been explicitly disavowed by the American executive.—It is not pretended that this is expressly asserted by the British minister to be a fact.—Your committee are unable to discern either the assertion or the insinuation of this as fact; nor can they perceive in any part of the correspondence of the British minister, expressions of disrespect or distrust towards the government; much less the offensive imputation of falsehood.—They profess not to determine whether the style of the American Secretary, or that of the British minister was most conciliatory and conformable to diplomatic usage. But they are utterly at a loss to discover open or covert insult, or any insinuations, which according to the arbitrary rules of honor would justify the abrupt termination of a conference between high minded individuals, desirous of amicably adjusting a private controversy.

These conclusion, resulting from a careful examination of the public documents, becomes irresistible in the minds of your Committee, from the consideration that the imputed offence, not only is not specified with precision by the American Secretary, but is, among the advocates of administration, both in and out of Congress, assigned to different letters; to *different expressions* in the same letter, and to the entire correspondence on the part of the British Minister, agreeably to their own discordant constructions, and to the glosses and comments suggested by their various imaginations and modes of reasoning. If, however, the British Minister had, either through accident or design, permitted himself to use equivocal expressions which in ordinary times might justify this repulse by a proud monarch prepared for open hostilities, and glad of a pretext for war and conquest; yet at this era of political convulsion, when the tempest of war has swept every Republic but ours from its base; and when questions of diplomatic ceremonial and usage, even at the most jealous courts, are forgotten amid the more weighty questions of national safety and existence—It is not conceived that the national honor of our remote and pacific Republic would for the use of such doubtful words, without even demanding an explanation, require the dismissal of an ambassador of peace from *one* of the belligerent powers, especially when the policy of the administration had dictated so long and patient a forbearance under gross and continued outrages from the *other*.

This act of the Government, so inauspicious to the future peace of the country, assumes a more alarming aspect when viewed in connection with preceding circumstances and transactions. The failure, on points doubtful or unimportant, of the mission of Mr. Rose, who was especially empowered to make honorable reparation for the unauthorized aggression of an individual; the ungracious terms in which the satisfaction, subsequently offered by Mr. Erskine, was accepted, naturally tend to excite fears in regard to the ultimate views of the administration, and to discourage all further attempts at amicable negociation. Nor are our anxieties on this subject diminished by a consideration of the temper and conduct of the government in relation to the other belligerent. Of the character of the correspondence with France by our resident minister, or the nature of our negociations with that power, we can form but an imperfect opinion, in consequence of the mutilated state in which it has been presented for public inspection, but from such small portions of it as have been published or revealed, from the insolent and dictatorial letters of the French minister published in the face of all Europe, & the indifference or patience with which they have been received, and from the approbation expressed by France, of our late restrictive measures, we are compelled to fear that neither the honour nor interest of the country have been guarded or maintained with the spirit and dignity becoming an independent nation. The importance of these repulsive measures is increased by the deplorable state of the public treasury.—From the reports of the Secretary of the treasury it is apparent, that the net revenue of the United States during the year 1807, was sixteen millions, fifty-nine dollars. That during the year 1808, under the first operation of the embargo, the same revenue was only ten millions three hundred thirty-two dollars. That during the year 1809, under the further operation of the same system, it was reduced to six millions and a half dollars; so that the difference of the amount of revenue betweens the years 1807 and 1809 is *nine millions and an half of dollars*.—It is also stated in the last report from that department, that the expences of the government for the last year, exclusive of payments on account of the principal of the public debt, have exceeded the actual receipts into the treasury, nearly thirteen hundred thousand dollars, which deficiency has been paid out of the surplus of preceding years.

It is further stated, that the expence of Government upon a *peace establishment* f[illegible] 1811, will be about ten millions of dollars, and eight millions after that year; and that a loan of four millions has already become necessary. In the report of the same department for the year 1806, it was stated that after defraying all the expences of government, an annual surplus of five and an half millions of dollars would remain. But according to the last statement there will be a deficiency for the present year of four millions, making against the United States an annual difference as before of nine millions and an half. But when with these statements are taken into view, the still progressive diminution and probable annihilation of revenues from commerce in the event of war; and the additional and incalculable expences, which must be rendered necessary in its prosecution.—Your committee can perceive no means of supplying this miserable deficiency of revenue but from direct taxes. The expedient of great and enormous loans might be a resource for the first great exigencies of the war. But a nation entirely deprived of visible and actual revenues could support but a doubtful credit, and the contemplation of a debt constantly augmenting in an unjust and ruinous contest, would disgust the patriot and terrify the contractor. In these circumstances it is but too obvious that the only remaining resources of this government would be either forced contributions or oppressive taxes upon the yeomanry.—While such have been the pernicious effects of the measures of the administration upon ourselves, your committee would willingly spare themselves the humiliating confession, that by the belligerent nations they are regarded as partial and harmless.—So far have they been from disposing France to any relaxation of the imperial decrees, that they have been the subject of praise and approbation with her Emperor, whose only dissatisfaction has been manifested at their temporary suspension. By Great Britain they have been regarded with indifference, though in their operation they have secured to her the carriage of our produce and the monopoly of the commerce of the world. Her manufactures have not decreased, nor has her revenue or power been in any visible degree impaired.—While an intercourse with the United States has ever been deemed by that nation of secondary importance in comparison with the great objects for which she is contending, its advantages have never been disregarded or undervalued by her statesmen. It remained for our national councils to reveal the fatal secret, that the commerce of these states was of less importance to her prosperity and greatness, than her own politicians had predicted.—That our country has sustained injuries from the operation of the British orders and from the outrages of her officers, for which it is entitled to satisfaction, is not to be denied. It ought not however to be forgotten that during the entire period of these commercial restrictions, France with whose consent they were imposed and continued, has seized and sequestrated nearly all the American property which has fallen within her grasp, while Britain against whom alone, they could be expected to operate, has respected our flag, convoyed our ships, and admitted us to a free and lucrative commerce with every part of her dominions.

With this view of an empty treasury and abandoned commerce, it is impossible to overlook the defenceless state of the country, and especially of the entire sea-board of the United States—while the American flag would be driven from the ocean, our sea-ports would be at the mercy of the most formidable navy that ever existed, and before our fortifications or armies could be in a situation to sustain the first assaults of the enemy, our cities might be buried in ruins, and our sea-coast exposed to inconceivable distress.

As the miseries of such a war would be incurred without adequate motive, they must be sustained without a possible chance of indemnity. On the ocean Britain is at present invulnerable. It is only upon the side of Canada that the American arms could come into actual collision with her dominions, and if the chances of war, after a profusion of blood and treasure, should enable the United States to add to their territory, already too extensive, this province of Frenchmen; what would be the value of the acquisition? And for whom would it be required? To hold it as a colony would be inconsistent with the genius of our institutions. To adopt it as a free and independent state would be equally repugnant to the habits and wishes of that people. Under what pretext could we retain this ancient and favorite appendage to France, claiming it as her legitimate estate, with the voices of a great majority of its inhabitants to second her pretensions? It is morally certain that Canada, conquered by the United States, would, under the patronage of France become a northern hive, pouring forth successive swarms of Goths and Vandals, which in alliance with savage tribes would encompass the Union with a belt; a favourite project of the ancient monarchy, which probably has never been relinquished. Your committee however, do not disguise their belief, that neither an exhausted Treasury, nor a ruined Commerce, nor a depopulated sea-coast, nor the miseries of a war, without a possibility of success or definition of object would constitute the principal disasters of a rupture with Great Britain.—The spirit and resources of the country, when roused and collected, are under the blessings of [illegible]idence, sufficient for its defence, and would in time be applied to this object. But the consummation of the public calamities would be found in an alliance with that desolating and gigantic despotism, which has crushed the governments, and subverted the liberties of Europe; and whose genius is not more hostile to every republican institution, than to the spirit of Commerce, by which such institutions are cherished and preserved. Nothing but a mysterious infatuation can induce an administration to seek an alliance with a government, whose hostility to the United States has been manifested, not merely in misconstructions of doubtful points of national law, and in the unguarded expressions of its public ministers, but in an open violation of treaties and contempt of neutral rights; not merely in illegal captures and casual injuries, for which reparation has been offered, but in an unvaried series of insults and aggressions, of sequestrations of property upon land, and of plundering and burning of our ships upon the ocean; not merely in the impressment of seamen claimed as her own subjects, but in the captivity and confinement in dungeons of our acknowledged citizens without colour of pretence. The calamities of such a war would be indeed aggravated by the dangers and infamy of such an alliance; and our success, if success could reasonably be expected, would hasten the period in which we should find ourselves compelled, without any intervening barrier, to grapple on our own soil with an enemy who has long made war upon us in every possible form but that of actual invasion; and who reserves his most faithful allies for his most exemplary victims. In conclusion, your Committee are persuaded, that no honourable means should be left unattempted to institute and pursue a negotiation with Great Britain for the accommodation of differences, and that the whole system of commercial restrictions should be abandoned before the natural sources of our revenue are entirely exhausted, and the course of trade so diverted by new habits, and so concealed by evasions as to produce permanent and irretrievable ruin. And they accordingly recommend the following resolutions, which are submitted.

ELIJAH BRIGHAM, *per order.*

IMPORTANT DOCUMENTS,

RELATIVE TO THE

DIFFERENCES between GREAT BRITAIN and AMERICA.

MR. SMITH TO MR. PINKNEY.

Department of State, November 23, 1809.

SIR—My letters in the correspondence with Mr. Jackson, already transmitted to you, sufficiently evince the disappointment that was felt on finding that he had not been charged to make to this Government either the frank explanation or the liberal propositions, which the occasion manifestly required. Instead of this obnoxious course of proceeding, it was in the outset perceived that his object was to bring us to resume the subjects of the arrangements of April, in a way that would imply that we were aware that the arrangement was not binding on his Government, because made with a knowledge on our part that Mr. Erskine had no authority to make it, and thus to convert the responsibility of his Government for the disavowal, into a reproach on this for its conduct in the transaction disavowed. [illegible] the first instance it was deemed best rathe[illegible] repel his observations argumentatively th[illegible] to meet them as an offensive insinuation. This forbearance had not the expected effect of restraining him from a repetition of the offence; and even on his farther insinuations, nothing more was done than to premonish him of the inadmissibility of so indecorous a course of proceeding. This also being without effect; nothing remained but the step finally taken and there was the less hesitation in shutting the door to further opportunities for insulting insinuations, as the disclosure he had made, and the spirit of his discussions, had so entirely shut it to the hope of any favorable result from his mission.

I will not dwell on his reluctance to give up the uncertainties of verbal for the precision of written discussions; nor on the *manner* or the *time* of his denial that he had given any room at all for a statement, which, in order to guard against the misconceptions incident to verbal conferences, I had placed before him in writing, with a request that he would point out any inaccuracies, and to which he did not *then* object otherwise than by intimating, that he could not have made the statement *with the particular view which seemed to be supposed*. Nor will I dwell on the various instances in which partial or inconsistent views of the subject have taken place of its real merits. But it may not be amiss to make some observations on the correspondence, as it relates to the *justification of his Government* in having disavowed the act of his predecessor.

With respect to the Orders in Council, the *ground* of the disavowal is the *difference* between the arrangement & the printed dispatch of Mr. Canning to Mr. Erskine of the 23d January. According to this dispatch then, the arrangements failed in three points.

1st. In not relinquishing the trade of the United States with enemies' colonies.

With respect to this point, it is not necessary at this time to discuss the right of that trade. It is sufficient to remark, 1st, that as the trade is admitted to have become, in the view of Great Britain, of little practical importance, why has it been made a ground of the disavowal, and especially, as important considerations only could, upon principles of public law, have justified a measure of so serious a character? 2d. That as the colonial trade is a subject no wise connected either with the Orders in Council, or with the affair of the Chesapeake, why has it been permitted to frustrate an arrangement relating to those subjects; and to those only? 3d. That as this condition is allowed to have originated in a supposition, that it would be agreeable to the American Government, why has it been persisted in after the error was made known by the representation of Mr. Erskine to his Government, that neither this nor the other conditions of the dispatch of the 23d January, were attainable here?

2d. Another point in the dispatch, and not in the arrangement, is, that the British Navy might capture our trade to ports prohibited by the United States.

This condition too appears to have had its origin in a mistake of your meaning in a conversation with Mr. Canning, as noted by yourself, and in an inference thence deduced as to the disposition of this Government. But this double mistake must have been brought to light in time to have been corrected in the new mission. In urging it, Mr. Canning has taken a ground, forbidden by those principles of decorum, which regulate and mark the proceedings of Governments towards each other. In his dispatch the condition is stated to be for the purpose of securing the *bona fide* intention of America to prevent her citizens from trading with France and certain other powers. In other words, to secure a pledge to that effect against the *mala fide* intention of the United States. And this dispatch too was authorised to be communicated *in extenso* to the Government of which such language was used. Might it not have been reasonably expected that such a condition and such observations would at least, on such an occasion, have been given up by a Government willing to smooth the way to an amicable settlement of existing differences?

In his zeal to vindicate his Government, Mr. Jackson too has attempted a gloss on this most extraordinary idea of calling on a foreign sovereignty, not indeed to make laws for us, but, what is equivalent in principle, to supply a supposed inability to execute them. He calls such an interposition of his Government not an execution of the law of Congress, but of a compact binding as a public law on both parties, and which both would have a common interest in seeing duly executed. On his own principles there ought to be a reciprocity, not only in the execution of the compact, but in the obligation and interest resulting from it. Besides where there is a reciprocity in compacts between nations touching attributes of sovereignty, there is always as much of sovereignty gained as it parted with, so that there be no loss nor indignity on either side.

3d. The remaining point in the dispatch, not secured by the arrangement, is that which required, that whilst our prohibitory laws should be repealed as to Great Britain, they should be left in force as to France and the powers adopting or acting under her decrees.

This is the condition which alone properly belongs to the subject; and it is to be remarked, in the first place, that the British project, of which this condition makes a part, contemplated two things in their nature incompatible; one, a repeal of the prohibitory acts as to Great Britain, without waiting for the conclusion of a regular treaty; the other a pledge, or engagement for their continuance as to the other powers. Now, from the nature of our Constitution, which, in this particular, ought to have

been attended to by the British Government. It is manifest that the executive authority could have given no such pledge; that the continuance of the prohibitory Acts, being a subject of Legislative consideration, could not have been provided for until the meeting of the Legislature; and that the condition could not, therefore, but have failed, either in the immediate renewal of commerce with Great Britain, or in the immediate engagement that it should not be renewed with France. The British Government ought to have acquiesced in, and indeed, ought to have been satisfied with the attainment of the important object of an immediate repeal of our prohibitory laws; and with the consideration, that the other object, not immediately attainable, was unnecessary at the time; because the prohibition to France was then in force; and because there was every reason to infer not only from this fact, but from the spirit of the communications made from time to time, and from the overtures before submitted to the British Government, that, without a repeal of the French decrees, our prohibitory laws would be continued in force against France; and especially in the case of a repeal of the British Orders, which would necessarily render a continuance of the French Decrees doubly obnoxious.

But if, on this head, doubts could have been entertained, instead of rejecting the arrangement, ought not the Repealing Act on our part to have been met with a suspension, at least of the Orders in Council, until it could have been seen whether the non-intercourse law would or would not have been continued against France? Such a suspension could not have given, in any point of view, more advantage to the United States, than was given to Great Britain by the repeal, which had taken place on their part.

If this reasonable course could not have been substituted for the disavowal, why was not a final disavowal suspended with a proposition; that the arrangement would be executed with Great Britain in the event of a compliance on the part of the United States with the conditions required as to France.

I am not unaware, you may be told, that the non-intercourse law of the United States did not extend to Holland, though so intimately connected with France, and so subservient to her Decrees against neutral commerce.

It would not be improper on this occasion to observe, that this objection can be the less urged by Great Britain, as she has herself never in her alledged retaliations adhered to her principle on which they were founded.

Thus she has, from the date of them, until very lately, directed them against the American trade even to Russia, although Russia had never adopted the French decrees, nor otherwise violated our neutral trade with Great Britain. So, in her Order of April last, she has discriminated, not only between the countries devoted to France by the ties of blood, and other powers, but between Holland, Westphalia, and Naples, in inforcing her prohibitory order against the first and not the two last. Whilst, therefore, she finds it expedient to make these distinctions, she ought to presume, that we, too, may perceive equal propriety in the distinctions we have made.

But it may be of more importance here to compare the British Order in Council of April last, with the arrangement of April, made by Mr. Erskine. It will thence be seen how little is the real difference, and how trivial it is when compared to the extensive and serious consequence of the disavowal.

Under the Order in Council of April last, all the ports of Europe, except France, including the kingdom of Italy and Holland with their dependencies, are open to our commerce.

Under the arrangement of April, combined with our Act of Non Intercourse, all the ports of Europe, except France and her dependencies, including the Kingdom of Italy, would have been opened to our commerce.

The difference then reduced merely to Holland, and that again is reduced to the difference between a direct trade to the ports of Holland, and an indirect trade to Holland, through Tonningen, Hamburgh, Bremen and Embden.

Now, as the injuring of the enemies of Great Britain is the only avowed object of her interdicting Order against our trade, let a computation be made of the effect which this difference between the Order in Council and the arrangement could possibly have in producing such an injury. And then let the question be candidly answered, whether laying aside all considerations of right and justice, sufficient inducements could have been found in that result for rejecting the arrangement, and for producing the consequent embarrassments, as well to Great Britain as to the United States.

If it be necessary, as Mr. Jackson has stated, to set bounds to a spirit of encroachment and universal dominion, which would bind all things to its own standard; and to falsify, by honourable and manly resistance, an annunciation that all Europe is submitting by degrees, that effort must be feeble, indeed, which is to be found in the inconvenience accruing to the formidable foe from the operation of this Order in Council; and especially when we combine with the strange phenomenon of substituting for the lawful trade of the United States a trade of British subjects, contrary to the laws of the adverse party, and amounting, without a special licence, in the eye of British law, to high treason.

Thus much for the Orders in Council. What has taken place with respect to the Chesapeake will equally engage your attention.

You will perceive, that throughout the early stages of the correspondence, this case was, in some respects, improperly confounded with, in others improperly separated from, that of the Orders in Council; and particularly that pains had been taken by Mr. Jackson to substitute verbal and vague observations on the disavowal of this part of the arrangement, for an explicit and formal explanation, such as was obviously due. It will be seen also, that, when finally brought to the point, he referred for a justification of the disavowal, to the departure of Mr. Erskine from his instructions, without *shewing* what those instructions were, and to allusions to an expression in the arrangement, without giving to his meaning the distinctness requisite to a just reply.

It appears, that he lays great stress on the proposal enclosed in his letter of the 27th of October, as at once indicating the departure of Mr. Erskine from his instructions; and as containing the conditions on the basis of which he was ready to enter on an adjustment. And from a note from the Secretary to the British Legation, it appears that he has complained of not having received an answer to his proposal, as he had before complained that no answer had been given to his verbal disclosure on this head in his interviews with me.

With respect to his intimations in conversation, as they were preceded by no proper assignment of the reasons for not having executed the original adjustment; it cannot be necessary to remark, that no such notice, as he wished to obtain, could, with any sort of propriety, have been taken of them.

With respect to his written project, it will suffice to remark.

1st. That besides his reluctant and indistinct explanation of the disavowal of the original adjustment, he did not present his proposal until he had made such progress in his offensive insinuation as made it proper to wait the issue of the reply about to be given to it; and that this issue had necessarily put a stop to further communications.

2dly. That although he had given us to understand that the ordinary credentials, such alone as he had delivered, could not bind his Government in such a case, his proposal had neither been preceded by nor accompanied with the exhibition of other commission of full power: Nor, indeed, has he ever given sufficient reason to suppose that he had any such full power to exhibit in relation to this particular case. It is true, that in his letter of the 23d of October, he had stated an authority *eventually* to conclude a *Convention between the two countries*. Without adverting to the ambiguity of the term *eventually* with the mark of emphasis attached to it, and to the other uncertainties in the phraseology, it is clear that the authority referred to, whatever it may be, is derived from instructions *subject to his own discretion*, and not from a patent commission, such as might be properly called for. It is true also that in his letter of the 4th of November subsequent to his proposal; he says he was possessed of a full power in due form for the express purpose of concluding a Treaty or Convention.

But it still remains uncertain, whether by the Treaty or Convention to which it related was not meant an *eventual* or provisional Treaty on the general relations between the two countries without any reference to the case of the Chesapeake. Certain it is that the British Government, in former like case, as will be seen by the adjustment of that part of the affair at Nootka Sound, which is analagous to this case, did not consider any such distinct full power as necessary; nor is there the slightest ground for supposing that Mr. Erskine, although confessedly instructed to adjust this very case of the Chesapeake, was furnished with any authority distinct from his credential letter. That Mr. Jackson has any such commission is the less to be supposed, as it is but barely possible, that possessing it, he should not, on some occasion, or in some form, have used a language susceptible of no possible doubt on this point.

But proceeding to the proposal itself, it is to be kept in mind, that the conditions forming its basis are the very conditions for the deviating from which Mr. Erskine's adjustment was disavowed. Mr. Jackson, if not on others, is on this point explicit. "I now add, (says he) that the deviation consisted in not recording in the official document signed here the abregation of the President's proclamation of the 2d July, 1807, as well as the two reserves specified in the paper of memoranda enclosed in my official letter to you of the 27th ult."

Considering then the conditions in the proposal as an ultimatum, in what light are we compelled to view such an attempt to repair the outrage committed on the frigate Chesapeake, and to heal the disappointment produced by a disavowal of a previous equitable reparation?

It is impossible on such an occasion not to read the circumstances which constituted the character of the outrage to which such an ultimatum is now applied. A national ship, proceeding on an important service, was watched by a superior naval force enjoying at the time the hospitality of our ports, was followed, and scarcely out of our waters when she was, after an insulting summons, attacked in an hostile manner, and the ship so injured as to require expensive repairs, the expedition frustrated, a number of the crew killed and wounded, several carried into captivity, and one of them put to death under a military sentence. The three seamen, though American citizens, and therefore on every supposition detained as wrongfully as the ship would have been detained, have, notwithstanding, remained in captivity between two and three years; and, it may be added, after it has long ceased to be denied, that they are American citizens.

Under these circumstances we are called upon to ransom the captives.

1st. By acknowledging that a precautionary proclamation, justified by events preceding the outrage, by the outrage itself, and by what immediately followed it, was unjustifiable, and that a repeal of it was properly a condition precedent to a reparation for the outrage. And this requisition is repeated, too, after such an acknowledgment had been uniformly asserted by this Government to be utterly inadmissible, and, what is particularly remarkable, at a time when the proclamation, as is well understood, was no longer in force. The occasion obviously invited a silent assumption of the existing fact, and this would have excluded the difficulty heretofore found to be insuperable.

2d. By throwing into complete oblivion the conduct of the Officer answerable for the murderous transaction, with a knowledge, too, on our part, that instead of being punished, or even brought to trial, he has been honoured by his Government with a new and more important command.

3d. By admitting a right on the part of Great Britain to claim a discharge from our service of deserters generally, and particularly of her natural born subjects, without excepting such as had been naturalised in due form under the laws of the United States.

It has not been explained, whether it was meant, as the universality of the term "deserter" would import, to include American citizens who might have left the British service. But what possible consideration could have induced the British Government to expect that the United States could admit a principal that would deprive our naturalized citizens of the legal privileges, which they hold in common with their native fellow citizens. The British Government ought not to have made such a proposition; because it not only, like others, naturalizes aliens, but in relation to the United States has even refused to discharge from the British service native citizens of the United States, involuntarily detained. If an American seaman has resided in Great Britain, or has married therein, or has accepted a bounty in her naval service, his discharge therefrom, on the regular application to the British Government, has been invariably refused by its Board of Admiralty. This I state on the authority of the official reports made to this department. It is, therefore, truly astonishing, that, with a knowledge of these facts, such a pretension should have been advanced at all; but, above all, that it should have been made a *sine qua non* to an act of plain justice, already so long delayed. This is the more to be regretted, as the omen does not favour the belief we would willingly cherish, that no predetermination exists in the Councils of his Britannic Majesty irreconcilable to an amicable arrangement of an affair, which, affecting so deeply the honour of the United States, must precede a general regulation of the mutual interests of the two countries.

After the correspondence with Mr. Jackson was terminated, two notes, of which copies are herewith sent to you, were presented to me in the name and by the hand of Mr. Oakeley, the British Secretary of Legation.

The first requested a document, having the effect of a special passport or safeguard to Mr. Jackson and his family during their stay in the United States. As the laws of this country allow an unobstructed passage through every part of it, and, with the law of nations, equally in force, protect public Ministers and their families in all their privileges, such an application was regarded as somewhat singular. There was no hesitation, however, in furnishing a certificate of his public character, and to be used in any mode he might chuse. But what surprised most was the reason assigned for the application. The insult he alluded to was then, for the first time, brought to the knowledge of this Government. I had, indeed, been among the rumours of the day, that some unbecoming scene had taken place at Norfolk, or Hampton, between some officers belonging to the Africaine and some of the inhabitants, and that it originated in the indiscretion of the former. No attention having been called for, and no inquiries made, the truth of the case is unknown. But it was never supposed that Mr. Jackson himself, who was on board the frigate, had been personally insulted; nor is it yet perceived in what way he considers it as having happened. It is needless to remark that any representation on the subject would have instantly received every proper attention.

Another ground on which a protection was asked for, is the supposed tendency of the language of our newspapers to excite popular violence on Mr. Jackson's person. Had he been longer and better acquainted with the habits of the American people, he would probably never have entertained an apprehension of that sort. If he meant to animadvert on the free language of the newspapers, he might justly be reminded that our laws, as those of his country, set bounds to that freedom; that the freedom of British prints, however great with respect to public characters of the United States, has never been a topic of complaint; and that supposing the latitude of the American press to exceed that of Great Britain; the difference is infinitely less in this respect between the two, than between the British press and that of the other nations of Europe.

The second note seems to be essentially intended as a justification of the conduct of Mr. Jackson in that part of his correspondence which has given umbrage. If he intended it as a conciliatory advance, he ought not to have preceded it by a demand of passports, nor by the spirit or the manner in which that demand was made. He ought in fact, if such was his object, to have substituted an explanation in the place of his reply to my premonitory letter. But whether he had one or other, or both of these objects in view, it was necessary for him to have done more than is attempted in this paper.

It was never objected to him that he had stated it as a fact that the three propositions in question had been submitted to me by Mr. Erskine, nor that he stated it as made known to him by the instructions of Mr. Canning, that the instruction to Mr. Erskine, containing those three conditions, was the only one from which his authority was derived to conclude an arrangement in the matter to which it related. The objection was, that a knowledge of this *restriction* of the authority of Mr. Erskine was imputed to this Government, and the repetition of the imputation even after it had been so frequently disclaimed. This was so gross an attack on the honour and veracity of the Government, as to forbid all further communications from him. Care was nevertheless taken, at the same time to leave the door open for such as might be made through any other channel; however little the probability that any satisfactory communications would be received through any channel here.

To the other inclosures I add a printed copy of a paper purporting to be a circular letter from Mr. Jackson to the British Consuls in the United States. This paper speaks for itself. As its contents entirely correspond with the paper last referred to, so they were unnecessary for the ostensible object of the letter, which was to make known Mr. Jackson's change of residence, and as the paper was at once put into circulation, it can only be regarded as a verbal address to the American people of a representation previously addressed to their Government, a procedure which cannot fail to be seen in its true light by his Sovereign.

The observations to which so much extent has been given in this letter, with those contained in the correspondence with Mr. Jackson, will make you fully acquainted with the conduct and the character he has developed, with the necessity of the step taken in refusing further communications from him, and with the grounds on which the President instructs you to request that he may be immediately recalled. You are particularly instructed, at the same time, in making these communications, to do it in a manner that will leave no doubt of the undiminished desire of the United States to unite in all the means the best calculated to establish the relations of the two countries on the solid foundation of justice, of frendship, and of mutual interest. With great respect, &c.

Wm. Pinkney, Esq. &c. R. SMITH.

MR. CANNING TO MR. PINKNEY.

Foreign Office, Nov. 27, 1809.

SIR—According to the intimation which I gave to you in our last conference, I have now the honour to inclose to you a copy of the Oorder in Council, which his Majesty has directed to be issued, for the puropose of preventing, as far as possible, any inconvenience or detriment to the Merchants of the United States, who may have entered into commercial speculations on the faith of the unauthorised engagements of Mr. Erskine, previously to the notification in America, of his Majesty's disavowal of these engagements.

Having had the honor to read to you *in extenso*, the instructions with which Mr. Erskine was furnished, it is not necessary for me to enter into any explanation of those points in which Mr. Erskine has acted, not only in non conformity, but in direct contradiction to them.

I forbear equally, from troubling you, Sir, with any comment, on the manner in which Mr Erskine's communications have been received by the American Government, or upon the terms and spirit of Mr. Smith's share of the consideration.

Such observations will be communicated more properly through the Ministers whom his Majesty has directed to proceed to America, not on any special mission (which Mr. Erskine was not authorised to promise, except upon conditions, not one of which he has obtained), but as the successor of Mr. Erskine, whom his Majesty has not lost a moment in recalling.

I have the honor, to be, with great consideration,
Sir, your most obedient humble Servant,
(Signed) GEORGE CANNING.

MR. PINKNEY'S ANSWER.

Great Cumberland-place, May 29, 1809.

SIR—I have received the communication which you did me the honour to address to me on the 27th instant, and will hasten to transmit it to the Secretary of State of the United States.

No instructions or information from my Government, concerning the transactions in America, to which your communication alludes, having yet reached me, I can only express my concern, that the conciliatory arrangements concerted and concluded, as you have done me the honour to inform me, between the American Secretary of State and his Majesty's accredited Minister at Washington; acting in consequence, and professing to act in pursuance, of regular instructions from his Court, are not likely to have all that effect which was naturally to have been expected from them.

I have the honor to be, with great consideration,
Sir, your most obedient humble Servant,
(Signed) W. PINKNEY.
Right Hon. George Canning, &c.

ADDTL. SUPPLEMENT to the MADRAS COURIER.

THURSDAY, JUNE 21, 1810.

COLONEL WARDLE AND MRS. CLARIE.

COURT OF KING's BENCH,—Dec. 11.

THE KING v. FRANCIS WRIGHT, MARY ANNE CLARE, AND DANIEL WRIGHT.

The following were the Gentlemen sworn on he Jury:—

Charles Rich, Esq.	William Palmer, Esq.
Matthew Moody, Esq.	John Jackson, Esq.
Harry Charrington, Esq.	William Horton, Esq
John Marshall, Esq.	George Randall, Esq.
Thomas Longbottom, Esq.	James Poole, Esq.
Ralph Penton, Esq.	Robert Dover, Esq.

Mr. Arabian, jun. Counsel for Colonel Wardle, stated to the Jury, that this was an indictment for a conspiracy, which indictment recited that the defendant, Francis Wright, having sold certain articles of household furniture to Mrs. Clarke, the defendants conspired together to charge Gwyllym Lloyd Wardle with the price of them; and in pursuance of that conspiracy, Francis Wright brought an action against Mr. Wardle, which coming on to be tried, the other defendants, Mary Anne Clarke and Daniel Wright, appeared as witnesses in the cause.—The testimony they gave was then set out in the indictment, the material parts of which were, that Colonel Wardle had undertaken to pay for those goods, by means of which false testimony the defendant, Francis Wright, obtained a verdict against the prosecutor.

Mr. Alley, as leading Counsel for the prosecution, then addressed the Jury in a speech of considerable length. He began by lamenting that the weight of so momentous a cause should fall upon him to conduct. But circumstances had arisen, which rendered it necessary that his Learned Friend Serjeant Best, who otherwise would have conducted it, was to appear as a witness, and the Learned Serjeant thought it not quite delicate to appear in both characters of advocate and witness in the same cause. He had, however, no doubt but that the Jury would lend him their patient and kind attention, and if they did so, he did not despair but that he should be able to narrate to them the case of his client, which needed only to be distinctly stated and clearly understood, to warrant a verdict in his favour. With respect to the Noble Lord on the Bench, to him he did not address any prayer of favour, for to all the bar it was known that his Lordship extended his kind indulgence whenever it was needed without being asked. His Lordship had only in view the facts of a cause, and whether that cause was conducted by the high and commanding talents of those who were retained for the defendants on the present occasion, or by an humble individual like himself, made no difference to the impartial mind of the Noble Lord who presided on the Bench. It would be right, before he entered into the narrative which he had to lay before the Jury on the case of his client, to make a few preliminary observations. Perhaps it might be expected by some, that he would enter into a poltical disquisition of facts intimately connected with the circumstances out of which this cause rose; but he should do no such thing. He should not advert further than was necessary for the purposes of the cause, to what was called the investigations in the House of Commons. It was not at all his wish to say a word on the subject, still less in any thing he should say to wound the feelings of any exalted or Illustrious Personage. He would wish that the virtues of the father should be visited on he sons, to the third and fourth generations, and he would be the last man in the world to hint at any unguarded follies, which might cause a sensation even of a momentary uneasiness in the breast of those, who, in a thoughtless hour, had committed them. With these preliminary observations, he begged now to call the attention of the Jury to the parties on the present indictment. The first of them was Colonel Wardle, the prosecutor. He was a Gentleman of an honourable mind and feeling; a man who had served his country both in the Senate and the field. In the Senate, by the honourable and patriotic path he had pursued, he had merited and gained the applause and esteem of his country—as a soldier he had also served his country no less loyally and honourably; for, when rebellion had raised its head in the kingdom of Ireland, Colonel Wardle accompanied his regiment to that Island, and then did his duty no less zealously than he had since done in the Senate. The other parties, the defendants, on this record, were Mrs. Mary Anne Clarke, and Mr. Francis, and Mr. Daniel Wright. The defendant, Francis Wright, was an Upholsterer in Rathbone-place, and Daniel Wright, his brother, now thought proper to describe himself as a servant to Francis, and not a partner, though it might very well be doubted if he had not dropped his character of partner, that he might serve his brother as a witness in a late action against Colonel Wardle. The other defendant was Mrs. Mary Anne Clarke. Of her he knew not how to speak, or how he should describe her. He wished not to speak ill of her, and well of her he could not speak. He must be indebted to her for her own description of herself. She was, to use her own language, a Lady living "*under protection.*" She had indeed lived under protection of Englishmen, Scotsmen, and Irishmen; she had been protected by Brokers, Navy Agents, aye, and Army Agents too, and her wiles had enabled her to fix a deep impression on a Noble and Illustrious Personage, in whose kindness she for some time was indulged with all the elegancies and luxuries of life, but like the viper in the fable, when she had acquired life and strength she stung the bosom of her Noble and Generous Protector, and repaid his fond indulgencies with abuse and foul attempt to sully his illustrious character, and destroy his existence as an honourable man in his rank in society. These were the parties before the Court, and he would now proceed to the other parts of the case. The indictment, as they had heard from his Learned Friend Mr. Arabian, charged with a conspiracy to fix Colonel Wardle with the payment of a debt for goods furnished by Mr. F. Wright to Mrs. Clarke. And before he went any further, it was fitting that he should state to them what the law of conspiracy was. Lord Coke had laid it down as the agreement between divers to do an unlawful act; and the crime of conspiracy might be complete, tho' nothing was done in pursuance of it; for it was the very act of conspiracy which was unlawful. The fact of the parties conspiring need not be proved on the trial, but the Jury might infer it from the circumstances. For if it were not allowed to be inferred from collateral facts, it would be impossible to convict the criminal except by the evidence of *a particeps criminis.* The law therefore had most wisely decided, that the fact of previous conspiracy might be collected by the Jury, from the circumstances which might be proved from the trial, from which they would decide whether the parties had acted by any previous concert. He was aware it might be said, because indeed it had already been insinuated, that an indictment for a Conspiracy was not a proper line to have been adopted, but that an indictment for perjury ought to have been preferred, if any perjury had been committed on a former trial; and it had also been said, that his client had pledged himself to that mode. This, he took leave to say, could only happen by a misunderstanding of Mr. Wardle's Letter to the People of England. In that letter he stated, that a verdict had been obtained against him by perjury: and this he pledged himself to prove in due time and place, and he now confidently asked the Jury whether he had not redeemed the pledge. It had also been objected that by including all the parties in an indictment for a Conspiracy, it was depriving them of the testimony which they might be enabled to have. But there was nothing in this objection, for if no evidence should be adduced against any one of the parties, his Lordship would direct an immediate acquittal, and thus enable the acquitted party to become an evidence for the others. But he and his Learned Friends who assisted in this prosecution were far from wishing to shrink from the advice which they had given. They had felt it their duty to advice an indictment for a conspiracy, for otherwise the most guilty would escape. Francis Wright, the man who had pocketed his client's money, had not been a witness in the former case, and an indictment for perjury would not have reached him, although he, of all the others, was the person the most desirable to be punished, inasmuch as he was the principal mover, and the person chiefly benefited by the nefarious transaction. Having now cleared his way, he would endeavour to narrate the facts of the transaction. The learned Counsel here entered into a long detail of the case, with many able comments, the summary of which was as follows:—That Mrs. Mary Anne Clarke having spent some time of the summer of the last year in the country, returned to town in the winter, and the defendant Francis Wright, to whom she was previously known, was employed to look out for a house for her. Mr. Wright introduced her to the house of a Mr. Bull, who had a house in Holles-street, Cavendish square, and there introduced her not as Mrs. Clarke, but as Mrs. Farquar; he represented her as a lady of whom he had taken many thousands, and that he was looking out a house for her, which house he was to furnish—she remained there for some time, until Mr. Bull discovered who she was, and then he remonstrated with Mr. Wright for having introduced a strumpet to his house, and she was obliged to leave it. At that time Mr. Wright had a house empty in Bedford-row, and Mrs. Clarke removed thither, still under the name of Farquar. And here he must remark a trick, to which Mr. Wright was a party—the furniture was protected from Mrs. Clarke's creditors by using her mother's name of Farquar. It was during this time that she lived at Bedford-row that she became acquainted with Col. Wardle. On her cross-examination at the trial, she swore it was in the Autumn, that at last she was forced to admit it was not before the 18th day of November. He begged the Jury to remember that date, because she had sworn on that trial that Colonel Wardle had promised to furnish her house, and that no furniture had been supplied on her credit, that she had not a single guinea, that Wright knew her situation, and would not give her credit. He had already stated, that he should call evidence to shew that Wright had then stated to Bull, previous to her acquaintance with Colonel Wardle, that he was looking out a house for her, which he was to furnish, and he should shew, that afterwards, a house being to lett on Westbourn-green, Mr. Wright was the person to negociate with Mr. Curt, the landlord, for it; and when Mr. Curt applied to Wright for her character, he said she was a lady of whom he had taken many thousand pounds, and was to furnish the house for her. The lease of this house was to be executed the 9th of November, before the time she became acquainted with Colonel Wardle. Two days after this he should prove, that Wright went to the house for the purpose of taking measure for the carpets, although she had the profligacy to swear he would not trust her a single guinea. Did not the Jury see through this artifice? Mr. Wright had truly taken much of her money, he knew what her conduct and situation in life had been. He knew she was a sole trader, if not according to the custom of London, yet *according to the custom of Marylebone*, and to set her up in a fine furnished house, was to put her in the way of her trade. The fine window curtains were to be the cobwebs which to entangle the butterflies of fashion, who, were when caught, were to pay Mr. Wright all he had advanced to Mrs Clarke. But this was not all. Mr. Wright she proved would not give her credit for a guinea. It happened that there was the sum of one hundred and odd pounds to be paid for fixtures. Mr. Curt, after he had let the house, observed it was necessary he should be paid that sum, for which shortly before he had paid hard cash out of his own pocket; she at first wanted it to stand over for a year, but as Mr. Curt could not spare the money it was ultimately paid by Mr. Wright's own draft, which he should prove; this, therefore, completely falsified her statement that Mr. Wright would not give her any credit. He should also shew that Mr. Wright sent in coals and other articles, and even paid for her policy of insurance. To proceed next to the interview had at Wright's house:—on the 1st of December she accompanied Col. Wardle on some business of the inquiry to Barnard's Inn—on her way back she proposed to call at her upholsterer's, and then she swore she introduced Col. Wardle as the Gentleman who was to furnish her house, and that he assented, and that he ordered a sideboard and other articles. He should call Colonel Wardle, who would, in the most distinct and unequivocal terms, contradict her, and would state, that seeing a handsome sideboard, he merely, as matter of curiosity, asked the price of it. With respect to another material fact, namely, that he had paid 500*l.* in part, by a bill accepted in favour of Illingworth, he should shew that Mrs. Clarke addressed herself to Major Dodd and Mr. Glenny, whom he would call, to intercede with Col. Wardle to let her have 500*l.* as the Wrights were pressing her for money. Mr. Glenny told her, again and again, that he did not think Colonel Wardle would do it; but as she intreated with tears in her eyes, at last Major Dodd got Mr. Illingworth to give Wright a bill, on his undertaking to indemnify him. He stated further, that he should call Major Dodd to confirm what Mr. Wardle would state as contradictory to Mrs. Clarke. And here it grieved him to state to the Jury, that Major Dodd had suffered most severely for doing his duty to his country and appearing as a witness; he had been dismissed from a most lucrative situation, and it was intimated to him that he would be so dismissed if he appeared as a witness before the Grand Jury. He preferred his duty to wealth, and cheerfully sacrificed exterior trappings to a sense of duty, and, like Cincinnatus of old, was content to retire with honour to obscurity and virtue. And here again he deprecated going into any political discussion; but if it should be insinuated that a Noble Personage on the Bench (the Duke of of Kent) had any part in these transactions, he defied the Attorney General to prove it; a word to the wise was enough,—if the Attorney General should venture to put the *Arch Juggler* into the box, he would of necessity be led into an examination most painful to his feelings, and must disclose a scene which he contemplated with terror; but whatever it cost his feelings he would boldly do his duty to his client and go through with it. He loved his King, and would shed his blood in his defence, and would unwillingly go into a disclosure of circumstances which might hurt the feelings of any branch of that Illustrious Family, unless by the course taken by the defendant's Counsel, he should be driven into the sea of political machinations. He could not close this statement of facts without observing, that no appplication for payment was made to Colonel Wardle until the middle of June, although it had been stated that the articles were to be sold for a ready-money prize. To sum the whole in one short fact, it was, whether Colonel Wardle had ever made himself liable to pay for Mrs. Clarke's furniture? She swore that he had, and other witnesses would contradict her; and he contended that contradiction of his client's would be supported by other circumstances above stated, which must in every reasonable mind abundantly confirm Colonel Wardle, and prove the falsity of Mrs. Clarke's testimony. The Learned Counsel here again went into an eulogium of his client's services in the Senate, which led him to a view of the States of Europe, and argued that as corruption had enervated the falling kingdoms of Europe, it was the highest virtue to reform corruption at home. He was proceeding with considerations on the rise and power of Bonaparte, when

Lord Ellenborough observed he was unwilling to stop him, if it could be any way relevant to the issue before the Court, but he did not see how it could possibly apply.

The Learned Counsel apologised, and shortly concluded with thanking the Jury for their attention, and expressing a confidential hope of a verdict in favour of his client.

Mr. Attorney-General rose and protested he did not know to what witness Mr. Alley meant to allude as the chief juggler, nor did he understand his dark allusions; he begged to know who it was he meant.

Mr. Alley replied, he could not disclose the secrets of his client's case. He was not bound to do it.

Lord Ellenborough thought it was not.

Mr. Alley, in commenting upon Mrs. Clarke's Memoirs, stated, that the Earl of Chichester had paid her 10,000*l.* for the suppression of that vile libel, and thus while learning and genius were starving, her vile trash was better paid than the best literary production of the country.

Mr. *Ellis*, the first witness called, produced a copy of the Record in the case of Wright *v.* Wardle, in which F. Wright obtained a verdict against Col. Wardle for 1160*l.* on the evidence of Mrs. Clarke and D. Wright.

James Dowling produced a transcript of his short hand notes of Mrs. Clarke's and Mr. D. Wright's evidence, which he read. The material passages in substance were as deposed by Mrs. Clarke, that Col. Wardle, in recompence for the information which Mrs. Clarke was to furnish him with against Commander-in-Chief, was to furnish her house at Westbourne-green. That on the 2d of Dec. he accompanied her to Mr. Wright's house, when she introduced him as the gentleman who was to furnish her house, to which he assented; that he ordered a variety of things, and amongst others a sideboard. Afterwards he was frequently at Westbourne-green; and one day he got in a great passion at a large mirror being sent, observing that Wright would not send so many things if he had not got a paymaster; that he quarrelled with her for having an expensive writing-desk, which, however, he was afterwards ashamed of, and suffered her to retain. That when Wright applied for some money, he got Illingworth, a wine-merchant, in Pall-mall, to advance a bill for Wright, and that this was done to mask Wardle's having any concern in it, that she might say in the House of Commons she had received nothing for her evidence. She also stated that she did not take possession of the house until the 9th or 10th of November, and that Wright had only sent in a few things on hire before that period—that she owed Wright 500*l.* before that time, and as he knew she had not a single guinea, he would not have given her credit, but that the credit was wholly given to Wardle.

The answer of the defendant Wright to a Bill in Chancery was then read, in which he stated that the credit was given to Wardle, but that it was not entered in Wardle's name in his books, as it was desired, during the investigation in the House of Commons, that his name might not be used.

Mr. Dowling was called back, and asked if he did not remember the Attorney-General, in the former trial, challenging them to call Major Dodd, and stating that if he did appear he would make him prove his case. Mr. Dowling replied, that he did recollect it.

Gwyllim Lloyd Wardle, Esq. was next called, and deposed as follows:—

"I live in James-street, Buckingham-gate; formerly I was Lieut-Col. of the Ancient Britons. The first time I saw Mrs. Clarke was the 18th of Nov. 1808; she then lived in Bedford place. My object in becoming acquainted with her was to procure information respecting the conduct of the Commander in Chief. Mrs. Clarke removed from Bedford-place to Wesbourn-green in about a fortnight afterwards. I continued to visit her there. I never made any promise to pay for the furniture of that house. She told me she was furnishing the house, but I do not recollect that she told me the name of the tradesman. On the 1st of Decem-

ber I and Major Dodd went to a Mr. Grant, Barnard's Inn, on some business respecting the investigation in the House of Commons; Mrs. Clarke accompanied me. On our way back, she proposed calling at her Upholsterer's, in Rathbone-place; we accordingly called at Mr. F. Wright's in Rathbone-place. We went into the house and saw Mr. D. Wright. Francis Wright was not there; no other person was present except a person who brought in a carpet, but he did not stay. Mrs. Clarke shewed me some furniture which was preparing for her house in Westbourne-place. I was not introduced as the person who was to pay for such furniture or furnish the house for her. Nothing was said which could induce such a belief in the mind of Daniel Wright. Mrs. Clarke shewed us several things, which was for her house. I remember some curtains hanging up, which came from her house in Gloucester-place. She shewed us some chairs, which I understood were for her. She shewed us some painting on velvet, which she said was to be matched for sofas. She asked Major Dodd and myself our opinions on some carpets, I made no other than general observations, that one pattern was prettier than another. She never said as you are to pay I'll take your choice. I did not select any articles for her. On the 2d of December we went to Donovan's, and she proposed calling again at her upholsterers; we went again about the middle of the day, we saw D. Wright again, nothing passed about my paying for the furniture. After I had been there a short time she was called away by a woman. D. Wright and I were left alone in the warehouse. She returned again, probably in a quarter of an hour. During her absence we talked of indifferent matters; I recollect I admired a sideboard; I believe I said it was a handsome piece of furniture, and I asked the price of it. That sideboard was certainly not selected by me as part of the furniture for Mrs. Clarke's house. I never said any thing about a carpet pattern. I never made her any promise of furnishing the house in part requital for the information she was to furnish me. I do not recollect ever having been at Mrs. Clarke's when a mirror was brought home. I recollect seeing Mrs. Clarke one day at a writing-desk, and remember observing, I never saw so ill finished a piece of furniture as the back was. I never made any objection on account of the expence of it. The first application for payment was made to me in June 1808. I saw Mr. Glennie, in the middle of December, on the subject of letting Mrs. Clarke have money. Mrs. Clarke had before pressed me to lend, or procure for her, 500l. She stated that Mr. Wright, her upholsterer, was pressing hard for money; and she stated, that she had owed him 5 or 600l. for a long time, and I understood it was to pay that old demand. During that conversation, D. Wright came in, I think on the same day, and pressed the same very hard. My answer was, I could not do it. Wright pressed in common with Mrs. Clarke to get money, for they were extremely hard pushed and distressed. I answered, the thing was impossible: I could not do it. I told her she could raise the money herself on application to the Bookseller who was to publish her intended book. She pressed me frequently again afterwards, at last I spoke to Glennie, and asked him if he could procure her 500l. on her work. Ultimately, I communicated with Dodd and Glennie, and an arrangement was made that Illingworth should raise the 500l. There was a counter security given by me to Illingworth it was an acceptance by me for 250l. I saw Mr. F. Wright once or twice at Westboure-place, but never made any promise to him. I never stated that I had taken the payment on myself, I never on any occasion stated any thing like it."

[A letter was put in from Mrs. Clarke to Mr. Wardle, which was read. It stated a number of things which she claimed as having been promised to her, viz. payment for her furniture; an annuity of 500l. a year; provision for her son and brother in the army; and the Duke of Kent's interest.]

CROSS-EXAMINED.

He had never made any of the promises stated in that letter. The name of the Duke of Kent was never attached to any promise. He had had a verdict against him, but had not paid the money; he understood his Attorney had taken steps to set aside the judgment, but as he was not a lawyer he did not know what those steps were. Being pressed to say whether he did not hope the event of this cause would influence the payment of the damages in the other, he said he had formed no hopes, but now he had hopes from the Attorney-General examining so particularly to it: he was in the army, and quitted it when his regiment was reduced; he never saw Mrs. Clarke until the 18th of November; they talked over many points irrelevant to the subject of investigation; the Duke of Kent's name was never made use of in the business; Mrs. C. had not said she would not go on without Major Dodd; he never made any stipulation respecting Major Dodd.

The Attorney-General asked how Major Dodd came to be introduced?

Mr. Wardle—"I am not desirous of concealing any thing, but if that question be pressed, I must state circumstances which I wish to conceal out of respect to the feelings of very Illustrious Persons."

Some observations being made upon this, Mr. Wardle again said, Major Dodd's name, and the reason for which he was introduced, was connected with circumstances to which he did not wish to give publicity, and if the Attorney-General forced him to make the disclosure, he would himself give credit for his motives when he had heard those circumstances.

This produced some pause in the Learned Counsel; at length he said he knew not what this dark answer meant, and desired him to speak the whole truth, let the evil of it fall where it might. Mr. Wardle appealed to the Court.

Lord Ellenborough said, though the Attorney-General was ready to hear it, it was his duty not to suffer the feelings of any one, whether high or low, to be unnecessarily wounded, and therefore he desired to know whether it was connected with the issue now trying, if not it ought not to be disclosed.

Mr. Wardle.—The interview between Mrs. Clarke and Mr. Dodd was, in consequence of what Mrs. Clarke had said Mr. Dodd had said, she stated that Mr. Dodd had given certain opinions, and I took means to prove to her that her assertions respecting Major Dodd were false.—I put a letter into her hands, proving that fact; she had stated that Major Dodd had given an opinion, and held up that as a reason for not giving the information I requested. She urged Dodd had said it would bring destruction on herself. She gave me the information, which, if it becomes my duty to painfully repeat, I will do.

He was asked if this detail was false? he replied, he hoped it was, but he had not the means of knowing whether it was wholly so or not, some of it he had found to be false. It was to do away these assertions, and quiet her mind, that he produced Major Dodd's letter to her. He said he had no object in getting acquainted with Mrs. Clarke, but for the purpose of gaining information on the charges to be instituted against the Commander-in-Chief.

He was next cross-examined as to Illingworth's bill, which he denied was a contrivance to conceal him from the public as paying Mrs. Clarke for her evidence in the House of Commons. He never advised Wright to bring an action against the Duke of York, he said, if it is the Duke's debt, why do you press Mrs. Clarke? He was in the hall, and at the hotel, near, during the last trial, he had subpœned Major Dodd, but not Glenny or Illingworth, though the latter were both in the hall, and he sent them into Court to be examined. He had communication with his Attorney, Mr. Corfield—when he understood what Mrs. Clarke had sworn, he wrote a note in the coffee-house, in which he desired Major Dodd might be examined; his observation was, that the verdict was his own, when he found that she had stated a conversation at which Major Dodd was present. He afterwards saw Mr. Corfield, who told him the Counsel were satisfied that the Jury were with them, and that the policy of assurance had convinced them, and then he left it to their discretion to call witnesses or not. He had subpœned Major Dodd as the only probable witness, although he did not know how, or by what witnesses, the case against him was to be proved, and therefore he might be fairly said to have been taken by surprise. When he went in November to see the Martello Towers he gave Mrs. Clarke 100*l.* to pay her Butcher and Baker, and he gave her 20*l.* when they came back, which was all the money she ever had from him.

Lord Ellenborough asked if he had made any promise of any sort to Mrs. Clarke?—He answered, No. All he had said was, that if she were a steady friend to the public, he would be a steady friend to her.

Major DODD *examined.*

He said, I first became acquainted with Mrs. C. on the day we set off for Hythe. On the 1st of Dec. she accompanied Mr. W. and myself to Barnards Inn; on her way back, she proposed calling at her upholsterer's. We saw D. Wright, and no other person was present, except occasionally a man brought up some carpets. He pointed out various articles of furniture; I was close to Mrs. C. during the whole time; she never in my hearing pointed out Colonel Wardle as the person who was to furnish her house. I do not think Colonel Wardle was introduced at all; nothing of that sort passed; I accompanied her once to Wright's, no one but me and Mrs Clarke were together. I knew Illingworth, he gave a bill to Wright for 500*l.*; I and Mr. Wardle gave him acceptances of 250*l.* as counter securities. I never heard Colonel Wardle say he was to furnish the house, or do any act from which it could be inferred.—I was the Duke of Kent's private secretary, and held another appointment.

When did you cease to hold that appointment?—Ans. As that is not connected with the present question, and may be matter for discussion in this Court hereafter, I beg leave to decline stating any thing upon that subject. I remember several patterns of carpets being shewn, and we gave our opinion of them, but Mrs. Clarke did not say Colonel Wardle was to pay for them.

On cross-examination, he said he had become acquainted with Colonel Wardle a few months before he became acquainted with Mrs. Clarke. Previous to knowing Mrs. Clarke he knew Colonel Wardle had in contemplation to bring forward his inquiry in Parliament. He knew of going to the Martello Towers a day or two before they went. Wardle's object was to get information from Mrs. Clarke. Most probably Mrs. Clarke knew he was Private Secretary to the Duke of Kent. He assisted Colonel Wardle in the course of the inquiry, and had frequent communications with him. He always thought the evidence of Mrs. Clarke most important, but he never made any notes; he was never in the House of Commons but the day Mr. W. made his motion. He did not consider Mrs. Clarke in bad circumstances, though he knew Colonel Wardle had advanced her 100*l.* to pay her Butcher and Baker. Mrs. Clarke had also borrowed a trifle of him, 5*l.* He called at Westbourne-place, perhaps the day after they returned. He went, on the 1st of December, with her to Wright's, and saw she was ordering extravagant furniture; he knew that Wright wanted money in December, and when Wardle consulted him he went to Illingworth, as he knew one tradesman frequently assisted another, and got him to advance five hundred pounds, for which he and Wardle gave their counter-securities. He was aware that inquiries would be made in the House of Commons as to what Mrs. C. might have received, and he thought it was better Wardle's name should not appear. He was Secretary to the Duke of Kent while the charges were preparing, he frequently went from the Duke of Kent's presence to Westbourne-place, but he never gave a hint to the Duke of Kent what was going forward against his Royal Brother. He knew the Duke of Kent disapproved of the investigation, that he would have done any thing to have discouraged it, and that his decided and uniform opinion was averse to them.

Being asked if he thought he acted right in concealing this from his Royal Master, he said, he considered Colonel W. as serving his country, and he had himself served his country for 25 years, and that in not giving a hint to the Duke of Kent, but assisting in the inquiry, he conceived he was acting an honest part towards his country.—Two letters were handed to him, the hand-writing of which Mr. Garrow asked him if he could identify? He answered, that they had been written by himself.—"You are sure of that," said Mr. Garrow? He replied, that he had no doubt of it, but he would not swear either that he did or that he did not write them. He believed them to be in his hand-writing, but was not sure.—"Have you any doubt?" inquired the Learned Counsel;—No; was the answer. Then you must be sure that they were written by you? Mr. Garrow observed. To this the witness replied that he would not take his oath of it. Here the Learned Gentleman reminded him that he was on his oath; he then said that on his oath he believed the lettets were written by him, but though he had no doubt he would not say he was certain they were, nor would he positively swear to them.

JOSEPH GLENNY, *Esq. examined.*

He had formerly been in the Royal Artillery; was acquainted with Mrs. Clarke, who was very urgent with the witness to get some friend to become answerable to Mr. Wright for a debt of between 500*l.* and 600*l.* which she had owed him for upwards of two years. The witness told her he could not think of applying to Colonel Wardle (she had pressed him so to do), because he knew the Colonel had made up his mind not to answer for her debts to Wright, nor indeed to any other person. The witness, however, promised to speak to some other friend, and she was to repay the loan from the profits arising from the sale of a narrative, consisting, besides other matter, of letters from the Duke of York to herself. The witness informed Wright of the fixed determination of Col. Wardle not to accommodate Mrs. Clarke by paying the money which she required. He also told him that he was well convinced the Colonel could not with propriety do it, because it might have the effect of defeating those objects which the Colonel had in view for the benefit of his country. Wright then observed that he had been promised payment in another quarter, but that after applying in that quarter week after week, he was at length compelled to look to Mrs Clarke for payment. He expressed his surprise to Wright that he should give that person fresh credit when by his own acknowledgment she had owed him money so long. To this observation Wright replied, that it was the only chance which he had of getting paid. The witness then observed that he thought Mrs. Clarke might have been satisfied with less expensive furniture. The answer of Wright to his observation was, "why she is a very gay woman, fond of figuring away and of living extravagantly." Wright never said nor hinted that he looked to Colonel Wardle for payment, or that he had in point of honour any claim upon him. Before noticing to Mrs. Clarke that her furniture was very expensive, and that less expensive furniture might have served her purpose, she appeared offended, and said, "What does it signify to Colonel Wardle, he is not to pay for the furniture."

CROSS-EXAMINATION *by the* ATTORNEY-GENERAL.

He said he believed it was two or three days before their journey to view the Martello Towers that he first heard Colonel Wardle say he had become acquainted with Mrs. Clarke; that the object of the Colonel was to obtain information, so that he might put a stop to corrupt practices in the army. Had no wish to find fault particularly with all the measures of the Government, had taken notes from the information of Mrs. Clarke during their journey, which related to the Royal Family, which she said his Royal Highness had told her. He denied that he kept a *record* of these facts—they were only *memorandums* which he had made of what she had told her companions voluntarily. Some of these were relating to anecdotes about making Baronets, Peers, and District Generals, which he declared was never intended by him to meet the public eye.

RICHARD STONEHEWER ILLINGWORTH *examined.*

Had known Major Dodd for ten years, but never had seen Colonel Wardle but once, when he waited on the witness with the Major; that was about the latter end of December—they came for the purpose of obtaining the acceptance of the witness to a bill of 500*l.* in favour of Mrs. Clarke, the repayment of which was to be guaranteed by their acceptances for 250*l.* each. There was no secresy imposed on the witness as to the transaction. He called on Mrs. Clarke the same day, and informed her that he had waited on her by desire of Major Dodd to take her note for 500*l.* and to give it to Mr. Wright in return his own acceptance for that sum, which was not to become payable until after the note which she was to give had become due. The period was three months. The notes were accordingly exchanged, and Dodd and Wardle's paid when due.

Cross examined by the ATTORNEY-GENERAL.

The witness stated that he handed to Major Dodd the receipt which he had received from Wright for Mrs. Clarke. Had never seen his own affidavit in the papers but had certainly struck out several parts of it when first tendered to him.

In answer to a question from one of the jury, the witness said that the bill which Mrs. Clarke gave was handed over to Major Dodd.

SIMEON BULL *examined.*

Is a House Agent, in Holles-street. In June, 1808, he was applied to by Francis Wright, one of the defendants, to lett a Mrs. Farquar a house; Wright said she wanted it for a month or longer, as he was going to furnish a house for her. The witness agreed to lett the house, and the Mrs. Farquar, as he then supposed, came into possession. It since turned out that she was Mrs. Clarke. Wright came at the end of the month, attended by a Captain Thompson, and paid the rent. This Captain Thompson was said to be a relative of Mrs. Clarke.—He believed the Sheriff's Officers took her from the house.

Cross-examined by the ATTORNEY-GENERAL.—*(was shewn the receipt.)* Did not know who signed it; but recollected there was a dispute at the time about it, and rather thought there was a mistake about the name of the person who paid the money.

On his re-examination he was quite certain that the person accompanying Wright was Captain Thompson.

SARAH MUMFORD *examined.*

The witness was an assistant to Mr. and Mrs. Bull in the conduct of their houses in Holles-street; knew the lady who took the house of Mr. Bull to be Mrs. Clarke. Wright said that he wanted it for a lady for a month or more, and that he was going to furnish one for her.

JOSEPH CURT *examined.*

He kept a coffee-house in Coventry-street. In the month of October, 1808, Mrs. Clarke applied to him, in the name of Farquar, to take a house he had to lett in Westbourne-place. She referred him to Wright, her Upholsterer, for her character. He went in about half an hour to Wright's house, and found him in the counting-house. He told him the object of his visit, and requested he would be candid with him, as one tradesman should with another. Wright said, that Mrs. Farquar was a very respectable lady, that he had taken some thousands of her money, and that if he had fifty houses to lett she should have her choice of them all. Upon asking him whether she was a married woman, Wright said that he believed she was married, but he did not know whether her husband was alive or not. Being perfectly satisfied with this representation, he went to Bedford-place, where she then resided, and in the course of conversation he observed that her furniture seemed very good, and would suit the house he was about to lett her in Westbourne-place. She said no, the furniture was too old, that she should only retain some of the drawing-room and bed-room furniture, and that Wright would furnish the rest new. The lease was executed on the 9th of November, and on going from Westbourne-place he met the defendant, Francis Wright, in the King's-road, who told him that he was going to Mrs. Clarke's to take measure for the fenders and the carpets. The witness had some conversation with her about the fixtures, for which he desired ready money; but Mrs. Clarke told him she was short of cash, and proposed that she should pay him in the course of the year. This proposition he declined, and insisted on having ready money for the fixtures, and refused to grant the lease until he was paid, upon which she referred him to Mr. Stokes, her attorney. Finally, he went to Wright, who paid him for the fixtures by a check on his banker.

5-6

William Hardy *examined.*

Is a carpenter; had done some works in the house, for which he was paid by Mrs. Clarke's house-keeper, who had given the order. The Counsel for the prosecution then proposed to shew that Mrs. Clark has pleaded her coverture in an action that was brought against her, but this proposition was very candidly admitted by the Attorney-General. It was also admitted, that the insurance was effected at the Fire-office in the name of Wright, as proprieter of the house in Westbourne-place.

Sir Richard Phillips *examined.*

He had some conversation with Mrs. Clarke respecting a book about to be published by her. In the course of the conversation which took place as to the amount of her debts, she said she was under obligations to Wright to pay him 2000*l.* for the furniture of the house in Westbourne-place.—This was about the 11th or 12th of March. On his cross examination, he stated that she expressed her expectations of paying for the furniture by the sale of this book, by saying, "If I do not obtain so much money for it, how am I to pay for all this furniture?" This conversation took place about fourteen days or three weeks after the first interview. It was certainly after the decision of the House of Commons on the Inquiry, for she said she did not know of it, and he was the first to inform her of it. Sir Richard declared that he well recollected the conversation, for she had repeated it in a more circumstantial manner towards the latter end of March.

Lord Folkestone was called; but the Counsel for the prosecution did not insist on his examination, and here the evidence for the prosecution closed.

Mr. Attorney General then rose to address the Jury on behalf of the defendants. The Learned Gentleman observed, that the complexion of the prosecution was not only to be collected from the tumult which they had heard out of doors, but also by the manner in which the case had been opened. It had been of late much the fashion, when men in the situation of the prosecutor were in distress, to take what is called "the independent line," or in other words, to stand up and make a great outcry and noise against what they termed "Corruption." The prosecutor Colonel Wardle, now driven to his last stake, had instructed his Counsel to state, that Government had dispossessed the witness, Major Dodd of his valuable appointments, as a chastisement (he the Attorney-General must suppose) for the independence of his principles. When the Counsel for the prosecution had stated so much, he confessed his indignation was roused, and he had sent for the papers which then lay before him, and which contained his own opinion, given some years before, upon the case of Major Dodd, and which, in point of fact, led to the dismissal which was now made the ground of complaint against the Government. It had been asserted, that the witnesses had been attacked by Government forsooth on that account: but at present, with the knowledge he had on the subject, it could only raise his disgust and contempt. The Jury, by the evidence of Mrs. Clarke, as given on a former trial, would have a clue to find that Colonel Wardle, after sending his Atrorney, and a threatening letter, informing her that Serjeant Best, if she made her appearance in Court, would cut her up, if she gave her testimony, offered terms of compromise, that if she refused, Colonel Wardle would give it out that the object of the prosecution was a trick of the Ministry. Indeed so it had been proved by Curfield, the Attorney of Mr. Wardle, who went to her. If Mr. Wardle did not send that message, his Counsel might have called Corfield, who would have disproved it. But no—they knew better—they knew they dared not to call Corfield, for at the bottom of this prosecution there would be found nothing of truth, nothing of honour, nothing of integrity, nothing indeed but shame and wickedness. In a case like this, by the unusual mode pursued, it became highly necessary that the Jury should give their best attention to the case laid bafore them. The defendant's had been denied that sort of evidence which they were entitled to by the manœuvres that had been practised in carrying on the prosecution. Instead of indicting them individually for perjury, as they might have done, they had included them all in one prosecution for conspiracy;—a species of proceeding that was before unheard of in the annuls of law. The oldest practitioner in the law had never heard or read of such a mode of proceeding. If the object of Colonel Wardle had been simply to obtain justice, he might have pursued another course. Was there any evidence of conspiracy? The Counsel for the prosecution had said that it was proved by shewing that each of the two witnesses swore falsely, and therefore if they were guilty, he must also prove that Francis Wright suborned them. It was only on the supposition that Francis Wright was guilty of subornation of perjury that he could be indicted for conspiracy. If any ground existed for that supposition, he might have been indicted for subornation, and then the innocence of the whole would have been manifested by the testimony of each. By the mode that they had adopted the wife of the defendant, Francis Wright, who, it was proved, was present at the conversation, was shut out, so that they would see that they were deprived of the evidence which they otherwise would have had. The prosecutor had stated that he hoped he might succeed, because it might ultimately lead to the rescinding the verdict against him. The Learned Gentleman said he would put it to his Lordship, whether there was any proof of the conspiracy, but he would decline the contest, and reason only from the facts which he took to be proved, not only that the defendant was acquitted, but that the verdict on the trial was right; let them consider for a moment who the parties were In the first place Mrs. Clarke was a woman who, previous to the year 1808, had been supported at a considerable expence, that she had then the means of supplying to the utmost extent her unbounded extravagance. In that state of things Mr. Wright gave her credit to the amount of 2600*l.* of which sum about 600*l.* remained due; and up to a certain time, there was no doubt in his mind but that it would be paid. Her state, however, had altered; she was no longer in affluence; the hopes which she had of retaining the influence which she had possessed, had given way, and she was left pennyless. In that situation she was found by Colonel Wardle. It would be then for the Jury to see how that Gentleman stood with respect to her. There could be no doubt that she had not the means of paying Wright the debt of 600*l.* which remained. It was madness therefore to suppose that he would trust her, unless the Jury could bring themselves to believe the absurd notions which Mr. Glenny had promulgated, that it was only by giving her additional credit that he hoped to get his money. Why it had been proved that she had not a farthing in the world, to trust her therefore was the greatest absurdity that could ever enter into the contemplation of man. Trust Mrs. Clarke—a mere beggar—Impossible! Let them see how Mr. Wardle, Major Dodd and Mr. Glenny stood in this business. Mr. W. had built his hopes of great reputation and of high renown with the public on prosecuting the inquiry into the conduct of the Duke of York. It was indeed the cord on which he staked his existence. He had no other object in view for the success of his perilous undertaking. Well, what did he do? Why, he sought out Mrs. Clarke as the person on whose testimony he was to carry the inquiry through.—He had acknowledged that he had paid her 100*l.* only two days before the inquiry was instituted. This was the retaining fee that he had given her.—If he had mentioned this circumstance in the House of Commons before any of the Hon'ble Members, neither he nor she would have gone free from that inquiry without receiving different treatment. Mr. Wardle had every thing at stake, he could not steer without Mrs. Clarke, and she was not a person who would give her evidence without some good reasons for it. She was excluded from her former situation, and wished to get something; if, therefore she gave into the inquiry, she was not likely to lend her assistance without those positive assurances of support that Mr. Wardle had given her. Besides. that the threats that he threw out, that if her old friends did not assist her, her new friends would give her reason to expect that assistance. Thus stood Col. Wardle with Mrs. Clarke. How then stood Major Dodd? He held the situation of principal confidential Secretary to one of his Majesty's sons, was well acquainted with the inquiry that was about to be made into the conduct of the Duke of York, and he must have known that his Royal Highness the Duke of Kent's fraternal feelings would have been wounded by such a procedure against his Royal Master's brother. Major Dodd then was leaguing with Mr. Wardle, an advocate in the political project that was on foot to lower the character of his Royal Highness the then Commander in Chief—certain of being ruined themselves if they failed, but looking to great advantages if they succeeded. They were risking their fame, their character, and in short every thing that was dear to them. This private Secretary was found then in the day time attending the consultations in Westbourne-place, and at midnight most probably would go fawning to his Royal Master, full of expressions of disapprobation and disgust at what he had heard. So much for the conduct of Major Dodd. The next on the list was Mr. Glenny, and was he less implicated than the other two. No, he was not; by his own confession he had taken minutes from the mouth of Mrs. Clarke; he would wish the Jury to believe, that the object of his journey to the Coast was only to examine the martello towers. The Learned Gentleman declared, that he almost blushed to mention the conduct of a man who had confessed that he drew from Mrs. Clarke all the private information, for the purpose of studiously committing it to writing, that whatever was most offensive and nauseous he might register for his future purposes. With this evidence before them, what conclusion could the Jury draw, but that Mr. Wright gave credit to Mr. Wardle, and not to Mrs. C. who had not the means of paying him? Was Mr. Wardle delicate in gratifying her wishes; did he not advance her 100*l* and was not this a proof that he could not stir a step without her? It was impossible, it was incredible, that she would have given her testimony without the hope of receiving a recompence. After her visit to the Martello Towers, did they not all go to the shop of Mr. Wright, and was it not in proof that he would not trust her on her own account. Being there was it not consistent with the evidence of Mr. Wright, and inconsistent with the case of Mr. Wardle, that he should be there for any other object but the payment of the money. Besides all the goods were sent in after the 2d of September. It had been said on the part of the prosecution, that the Bill that had been given for 500*l.* had nothing to do with the furniture of Westbourne-place. But this assertion was of a piece with the rest of the machinery, and proved that the transaction of the bills was *bona fide*, because the note accepted by Mrs. Clarke would have been presented when due. The receipt which had been given was on account of goods delivered at Milbourne-place.

[This receipt, which was dated the 2d of January, was here read by the Attorney-General; it expressed to be for a note received from Mr. Illingworth, which when paid, was to be delivered to Mrs Clarke.]

If any doubt remained on the minds of the Jury, the receipt must explain the transaction; with respect to the interest which Mr. Wardle might be supposed to have in this transaction, was his own admission, that in the event of a verdict going against the defendants in this trial, he hoped to be relieved from the payment of the sum awarded against him in the late trial. Major Dodd was embarked in the same boat; was removed from his own connections; and when he found he was discovered, he wished the Jury to believe, in his own language, that he had *retired.* They would see then how deeply he was interested in supporting his new friends. He was the only other witness that said a word against the testimony on the former trial, there was nothing in short in the evidence of Wardle, Dodd, and Glenny that could impeach the solemn testimony which the defendants had given in a Court of Justice. Was it to be endured that Mr. Wardle should now come forward and say that the woman whom he desired should be believed on her mere *ipse dixit* in the course of the inquiry, must now be discredited on her oath? Could he ask the Jury to disbelieve her testimony when he produced her to attack and endeavour to tarnish and sully the character and credit of the Son of the Sovereign of these Realms? She then according to his averment was all simplicity! all honour! all truth! but now, not even the sanction of an oath was to procure for her credit. She then was, as to veracity, unimpeachable—he, Mr. Wardle, well knowing at the time that the witness, so adorned with all these precious virtues, had received a *doceur* for her evidence, the sum of 100*l.* within the three first days of their acquaintance, and also, that she, from her necessities, had been compelled to take the loan of a pitiful 5*l.* from Major Dodd Was it possible that the Jury would take her testimony to redeem the character of Mr. Wardle. Had any doubt been implied during the investigation of her veracity? Why, in his opinion, she was a very saint up to the time on the decision on that Inquiry. Since, however, to suit his own purpose, he had discovered that she, even she, was all falsehood, all foulness, all perjury. Was it to be tolerated, that with such disgraces as had befallen Mr. Wardle (for he could not call them by any other name), he should set up his testimony against hers. Against the testimony of Mr. Wardle, Major Dodd, and Mr. Glenny, they had the testimony of Mr. Francis Wright, Mrs. Clarke, and Mr. Wright's brother; the latter of whom his Learned Friend had taunted, or half taunted, as being the partner of Mr. Francis Wright. He wished that his Learned Friend had been able to call him, in odder to show how that fact stood. He (the Attorney General) should then have been able to have dealt with him, and shewn that those surmises were only the statement of Counsel made in consequence of the fabrications of his Client. There had been no want of subpœnas on the the occasion, the Jury must see how the bench, even at that late hour of the night, was crouded by Royal, noble, and distinguished persons. [On the left of the Learned Judge sat the Dukes of York and Kent, his Highness the Duke of Gloucster, the Earls of Moira and Chichester, Mr. Tierney, &c.], none of whom had been called, and these supœnas merely for the purpose of raising in the public mind, that their testimony would give weight to the prosecution, and for saying that the late verdict was a trick of the Ministry. Such a mode of proceeding had in it more than met the public eye or ear. His Learned Friend, very ill-advisedly, had thrown out an insinuation, that there was something in the former proceeding which could not meet the public eye. He had boldly said, from his instructions no doubt, and it was no that account that he stood up at the conclusion of his Learned Friend's speech, and challenged him to the proof, that "if they dare call the principal juggler in the transaction, arising out of the situation in which neither his birth nor character had placed him, the Attorney-General knows who I mean, but I do not wish to disclose names, I'll bring up a story that shall harrow up his soul."—Who or what his Learned Friend meant by this dark insinuation he was at a loss to conjecture. When he had heard this unknown person depicted as "the principal juggler," he was desirous to know who was meant, because if he were within the reach of man and horse he would have sent off immediately for him to appear in Court, if he could have prevailed on his Learned Friend to have called on him, or could even have guessed one out, after he should have made his appearance. But no—his Learned Friend would not give him the clue; this person, therefore, must remain in darkness, and must be taken as the mere phantom of his own brain; he was afraid to meet nothing in this case. The defendants were private individuals, and why these dark insinuations should be made he could not conceive, they could only be made for the purpose of raising that clamour by which Mr. Wardle was greeted on leaving the Court. Having made these observations, he should conclude, stating that he did not think it necessary to go farther into them, for the strength of his case remained yet behind, and he saw that his Lordship had been wondering for some time that he had not before stated it. His Learned Friend Mr. Serjeant Best, who had so ably conducted his defence on the late trial, had been subpœned, but they had not dared to call him into Court. In the address that Mr. Wardle had made to the People of England, he had stated that his Counsel had not called Major Dodd or Glenny, because they believed that no Jury would give credit to the testimony of Mrs. C. Now his Learned Eriend might have been called to prove that fact; but no, they rather chose to go to the Jury, and to take the chance of their disbelieving Mrs. Clarke's evidence. That chance did not prosper. Mr. Attorney-General, after making some farther observations, expressed his wishes to sift the matter to the bottom; he had, however, an evidence to bring forward, which would shew them, in the person of Mr. Stokes, the defendant's present Attorney, how lamentable a thing it was to depart from the truth.——The Learned Gentleman then stated the evidence of Mr. Stokes (which will be found in our report after the concluiion of his speech), upon whose testimony he defied them to cast any reflection. He was not only an honourable man, but he was also honoured with the acquaintance os the Learned Counsel for the prosecution. When they had heard what he had to disclose, they would rejoice in being enabled to deliver from the trammels men who were encompassed with such a net, as that which had been cast around the defendants. In conclusion, he relied very securely on their verdict being given in favour of his clients.

Mr. Stokes, *Attorney for the Defendants, was then called.*

Previous to his examination, Mr. Alley applied to his Lordship, to permit the examination to be postponed until he could send for Mr. Wardle, who had left the Court.

To this application his Lordship very handsomely assented, observing that he sat there for the furtherance of justice, and would wait the five minutes as required by the Learned Counsel.

In a few minutes Mr. Wardle made his appearance, and then.

Mr. Stokes *was examined.*

I received (said he) a summons to attend the House of Commons.—[The summons was read, dated 6th of February, requiring his attendance at the investigation into the conduct of the Duke of York. A letter was also read from Mr. Wardle of the date of the 7th of February, desiring to see Mr. Stokes at his (Mr. W's) house, and stating that he had sent his carriage for the purpose of conveying him there.]—I went to Colonel Wardle in consequence of the letter which has just been read. I found the Colonel at breakfast, in the front drawing-room, with several persons. On my entering, he directed the servant to light a fire in the back drawing-room. When he had breakfasted we retired there. I then said to him, what could induce you to call on me as a witness—he said he wanted me to speak to the subject of Few's action—I said, you are not aware of what you are about, by calling on me as by calling on me I am liable to be examined-my examination will not then be confined to the point you wish, but to the whole of what I know on the subject of the investigation. I have been repeatedly told by Mrs. Clarke, that she was to derive considerable advantages from coming forward in the investigation, and you may rely on it, that I shall not conceal any circumstance that I know. I do not wish to be called to do Mrs. Clarke a prejudice, but if you call me, I must go into the whole. You are now safe from my evidence, as it was communicated to me as Mrs. Clarke's Attorney: and if I am summoned on the part of his Royal Highness, I cannot be examined, for you must strongly object as it was made to me in confidence as an Attorney. He said, if that was the case he would not call me at all. I continued there some time; Mr. Wright was announced. Upon his entrance, Colonel Wardle said, "This is Mr. Wright the Upholsterer, he is come to be examined by me." I said, surely you don't mean to call Wright, for he will, if possible do you more mischief than myself, as in that case, your furnishing Mrs. Clarke's house, and sending him to me to bring an action against the Duke of York will certainly come out. He said, "Then you think I ought not to call him:" I said, "You are really in much danger from Wright; he can be summoned on the part of his Royal Highness, and has no privilege; they will certainly get the truth out of him, for if he should

consent to conceal it, which I don't think he will, in either case it will certainly be got from him, for he has not *head* enough to evade the questions." Colonel Wardle said, "What shall I do with him?" I said, "I think it is dangerous for you to see him." He then asked me to see Wright, and send him away; I did so. After this interview I received another summons from the House of Commons, and wrote to Colonel Wardle upon it. The summons was dated the 7th, and I wrote to the Colonel on the 9th.

[The Letter was here called for, but the Counsel for the prosecution did not produce it. The notice to produce was proved.]

MR. STOKES PROCEEDED.

I gave the Letter of the 9th to my servant, to carry to the Colonel, and he brought back an answer, desiring me not to attend. I accordingly did not, and heard no more of the business. I think Wright was not examined in the House of Commons.

Cross-examined by Mr. ALLEY.

I am now Attorney for the defendants, and was formerly employed in the same capacity for the then plaintiff, no person was present at the conversation but ourselves on the 7th of February. I did not minute it down, but my memory is accurate, and will be so to the last day of my life. I understood particularly from Mr. Francis Wright, that he was to furnish the house. He was not introduced to the Colonel, because I felt that Colonel Wardle would be more committed if he was introduced. I did not communicate what I knew to the Duke of York's friends; the circumstance which I knew, and had just related, because I should have committed my client, Mrs. Clarke, by it. Mr. Francis Wright was cautioned to the greatest secrecy, so I understood from himself. I do not believe that any person made any communication to the Duke of York, nor had I ever communication with any person on the subject I once procured an order to see the grotto at Oatlands, but not see it. I gave it to some mutual friends of Mr. Alley and myself. I mentioned the circumstance of the furnishing an account of Colonel Wardle to Mr. Wilkinson, who is Assistant to Mr. Lowten, whom every body knows was Solicitor to the Duke of York. This was very lately, within last Michælmas Term, in the Hall.

Mr. Alley then proposed to call Colonel Wardle to contradict the statement of Mr. Stokes.

The Attorney General did not object to his being called.

Lord Ellenborough—"Let him be called"

Colonel WARDLE *again examined.*

I recollect holding some conversation with Mr. Stokes in the back drawing-room, but I don't recollect what reason he gave for not attending the summons. He was summoned, as I think to give contradiction to Few's evidence. I think, as far as I can recollect, that there was something which, at the time, I conceived was better alone—I mean Few's transaction relative to Mrs. Clarke's pleading her coverture; that is the only reason, as I can recollect, which was assigned for not calling him. There was never any reason for making him believe I agreed to furnish the house in Westbourne-place, nor did he assign that as a reason for wishing not to give evidence before the House of Commons. A second summons was sent him as far as my recollection serves me. I think that Mrs. Clarke said she had honourably paid his debt after she had been sued. I don't recollect Wright's coming to my house, nor the ground of examining him as an evidence. I never recollect my having such intention. He never stated to me that Wright's testimony was dangerous.

Mr. Attorney General declined to cross examine Colonel Wardle, and recommended that he should quit the Court.

Mr. Alley here observed (when Mr. Attorney General was about addressing the Jury on the new testimony adduced) that it would be necessary to call witnesses to the character of Colonel Wardle.

Lord Ellenborough never knew of any such proceeding, unless is was endeavoured to impeach a witness on his oath, there it was a question of credit.

Mr. Attorney General then shortly made some observations, in the course of which he desired the Jury to compare the evidence of Mr. Stokes with that of Colonel Wardle, which he contended was from the manner in which he delivered himself better entitled to credit than the Colonel's. For these reasons he had wished the latter Gentleman not to remain in Court, aware that he must make some observations which would not be agreeable.

Mr. Alley rose to reply, which he did in a very able manner, contrasting the evidence of Colonel Wardle and Mr. Stokes, and contended that the Colonel was as much entitled to credit as Mr. Stokes, who was certainly to the full as interested a witness as the former, for he had not less than three clients for whom he was swearing. Mr. Alley then commented on the evidence in answer to the observations and comments of the Attorney General. He expressed his surprise why Mr. Stokes had not been called on the former trial. If the charge of not calling witnesses applied to his client, surely it applied in an equal degree to the defendant for they might have availed themselves of the testimony of Mr. Stokes.

Lord Chief Justice Ellenborough, with all that justice and candour which so highly characterise him, and which form the peculiar features of the judicial character of Great Britain, addressed the Jury to the following purport:—

This is an indictment brought again three persons; two of them have been witnesses on a former trial, the third is Francis Wright. What has been delivered by the former two in evidence on that trial is made a charge against them now. Daniel Wright appears to have no other connexion with this business than as the foreman of his brother; but the peculiar hardship of this case, to which his Lordship particularly called the attention of the Jury, was the including the three under the one indictment; for had they been guilty of the perjury which Colonel Wardle had endeavoured that day to prove, they might each have been prosecuted for it without depriving them of that power of defence which the evidence of the other two alone afforded. But by thus indicting all equally for conspiracy, Colonel Wardle stripped them of all the means by which they could manifest their innocence, and his Lordship expressed his earnest hope, that the subjects of the land might never be liable to indictments and prosecutions, which from their very nature and manner would deprive them of the power of defence. He then called on the Jury to give the defendants all the advantage of the evidence they had heretofore given, and to allow them on this occasion the full benefit of their oaths, deprived as they were of the power of coming forward that day, by this artful consolidation of them in one indictment. His Lordship reminded them that the defendants were brought before them bound and fettered, and unable to testify their innocence by any means whatever. He then entered into a detail of the evidence which Mrs. Clarke and Mr. Wright had given on the trial alluded to. He observed that the 100l. which he had been given to the former on her going to the country, could be only looked on as a fee for that evidence which she was to give, and would most justly disparage it, and render Colonel Wardle liable to a legal imputation, or subject him to a prosecution for subornation of evidence. This, his Lordship said, was a *bonus* for her testimony; and whatever views of popularity or ambition might have actuated him, Col. Wardle had dealt corruptly in the first instance with his witness. His Lordship expatiated on the circumstance of Colonel Wardle's becoming responsible to Wright for the furniture; the rejection of one carpet, and choosing another; Mrs. Clarke's observation on it, that since Colonel Wardle was to pay for it, he might have his choice; Wright's testimony, that the things went home in Mr. Wardle's name. To this declared evidence, uncontradicted at the time Mr. Wardle opposed his own testimony alone today, in which he said the whole was a fiction. His Lordship remarked on the improbability of a woman like Mrs. Clarke exposing herself to a scrutinizing examination for many nights before the House of Commons, without any hope of other remuneration than the paying a few of her tradesmen's bills. His Lordship recommended deliberation and caution to the Jury, since here evidence encountered evidence & oath encountered oath. It appeared that in the dealings with Wright, Col. Wardle was the ostensible paymaster, but that vouched as he was by honor to the public to produce uncontaminated witnesses, it was his especial interest to screen this fact. Now, when the defendants' mouths are padlocked, you are called upon to decide against them. What, said his Lordship, could be the meaning of that triple security Dodd's bill? Was it not with a view to concealment? He desired the Jury to recollect when he asked Colonel Wardle, were they patriotic views, were they motives of public good alone which excited Mrs. Clarke to give evidence before the House of Commons? he said he believed so. Could it be true, said his Lordship, that a woman of her character could have been so actuated? But in corrupting the course of justice, Col. Wardle had committed the highest misdemeanour. His Lordship stated further, that it appeared that Major Dodd had enjoyed the confidence of the Royal Family; that though he did not lend entire assistance to Mr. Wardle, yet he saw him daily while he was planning a conspiracy against the brother of his Royal Master; and his Lordship asked could his be a well cast moral mind, could the human affections warmly animate his heart, who could thus act? It appeared that Wardle, Dodd, and Mrs. Clarke had left town together, that while in the country Wardle and Dodd had been employed taking in writing the evidence which Mrs. Clarke was to give; no public, no honourable feeling, no gentlemanly principle could incite to, or justify such an action (base as base it is) thus to worm himself into the secrets of a woman, and to take them down on paper. He fattens on the offal of any thing he can find amiss in the family of his Sovereign, and thus comes morally recommended before you to day. His Lordship then adverted to the professional talents of the Gentleman who opened the prosecution; and expressed considerable surprise, that he could allow himself to be carried away by impetuosity, as to charge Lord Chichester with paying ten thousand pounds for the suppression of certain letters; and observed upon the mischievous consequences to the administration of justice, if Gentlemen allowed themselves to speak of things which was utterly impossible to procure in evidence. There had been, he said, a very tragic lamentation over those whom it was averred were terrified from coming forward on this occasion; but this his Lordship said was merely an address calculated to inflame their passions. If, said his Lordship, you maintain the high character of British Jurors (of which I have no doubt), your minds, well poised and equal, connot be shaken by assertions, the truth of which have not, nor could not be ascertained. Wright, jun. the person united in this indictment, though they have endeavoured to prove him a partner, is not one; and it seems as if they wished to confound them. His Lordship then wished, that the character which had been drawn by the Counsel for the prosecution might have been only the vision of an heated imagination. He had drawn him as a man aiming at situations and influence which neither his birth or his talents intitled him to be trusted with. This idea was not embodied, and had no living person to whom it applied. His Lordship said this was a complicated indictment. The oral testimony was all on one side, and manacled as the defendants are, they must abide the pelting of this evidence. His Lordship then entered at large into the evidence of Mr. Stokes, his remonstrance with Colonel Wardle, when subpœned before the House of Commons, that he must injure his cause. His Lordship particularly remarked that Mr. Stokes had said, that in his cross examination before the House, he should be examined on other points, as well as that Mr. Wardle wished him to be examined on; and added, "that as Mrs. Clarke's Attorney, he did not wish to do her any prejudice;" Wardles determination then not to call him at all;—when Wright was called, his observing to Wardle that Wright would do him more harm than he himself could, as he had not heard to conceal what was necessary. On this his Lordship observed, that here, in this transaction, an intention was taken up and then abandoned. On what ground, said his Lordship, could it taken up, and on what it ought to be abandoned. This evidence heard no more of the business; he never assigned any other reason to Wardle as an objection to Wright, than the danger of his evidence discovering the connection between him and Mrs. Clarke. Colonel Wardle then was compelled either to take leave of all pretensions to character or directly to contradict this witness, who had so positively sworn to those things which Wardle had so often and so solemnly denied before. But what can you think of the hesitating, recollecting denial of Wardle, when opposed to the absolute and direct evidence of Mr. Stokes?

His Lordship reminded the Jury that three persons were contradicted, not on the day they gave evidence, but to day; not by witnesses who were remote, but, who then, as well as to day, were present. Wardle said his Lordship acknowledges that he gave a discretionary power to his Counsel to call or not to call witnesses, notwithstanding his declaration to the People of the United Kingdom Might he not have come on that day into Court, and have had this business discussed?—His Lordship again said, he thought it necessary to remind them that this complicated indictment deprived the objects of every means of defence, and that therefore it rested with them to consider the evidence which had been given by the defendants as if they had that day sworn it; and to consider how that evidence had been contradicted, he asked them, could they reconcile it to probability, that Mrs. Clarke would subject herself to the danger of a public examination before the highest tribunal on earth for the paltry consideration of paying her baker's or her butcher's bill? he said the sum of money which had been given was for the purpose of influencing her evidence, but that were it only a loan, was still improper.

His Lordship here concluded, and the Jury, after a very few moments deliberation, and without quitting the Box, returned a verdict of—NOT GUILTY.

THE MORNING POST.

DECEMBER 12, 1809.

What remained to complete the degradation and disgrace of Colonel Wardle, was yesterday effected by the result of his artful and cruel indictment for a conspiracy, against the honest tradesmen, whose just demands he so dishonourably refused to answer. This last expiring effort has failed; and the convicted arch-quack, the greatest political impostor that ever existed, now stands confessed and exposed in all the deformity of his nature. As short as ill-deserved has been his popularity; he has finally fallen from his high estate never, never more to rise; and future ages will wonder in reading the history of his transactions, how such a man could by such means have obtained even an ephemeral popularity; or how any men of honour, or of feeling, could, for a single day, have become the dupes of so flagrant an imposture. The report of the proceedings of yesterday will not fail to be read with high interest;—it shews Mr. Wardle in his true colours, and the decision fixes his fate for ever. It is even understood that he will now himself be brought to strict legal account. The Speech of the Attorney-General was admirable; the testimony of Mr. Stokes was conclusive; and the profound and luminous observations of the Lord Chief Justice on the whole of the case, it will be seen, amply bear us out in all the reflections which from time to time our duty to the public called upon us to make on the base conduct and motives of a man, who, in the persecution of the Son of his Sovereign, sacrificed every honourable principle to the attainment of his end.—The length of the report, and the lateness of the hour, alike prevent us from entering at present into more enlarged observations upon this subject, but we shall not fail to return to it forthwith, notwithstanding the admirable reflections of the Chief Justice (of which only a faint sketch is given) speak of themselves most luminous and splendid volumes on this very interesting occasion.

So much interest did the case naturally excite that Westminster Hall was crowded during the whole of the day.—When the evidence of Mr. Wardle had closed, he left the Court, and a number of people in the Hall very indecorously gave three loud cheers on his entering it. Their noise prevented the administration of justice, and compelled Lord Ellenborough to order the Sheriff to turn the crowd out of the Hall. Their clamour still continuing, it was impossible for the Court to proceed in the examination of Major Dodd; on which the Learned Judge having called the Sheriff before him, desired him, if the clamour continued, to assemble all the Constables, and intimated his intention of adjourning the proceedings, and ordering the Sheriff to call out the *Posse Comitatis*. The tumult, however, subsided shortly after, the Hall being cleared, and the avenues of entrance guarded by detachments of constables.—The trial commenced at nine o'clock in the morning, and lasted till past eleven o'clock at night.

Among the most distinguished Persons in Court were their Royal Highnesses the Dukes of York and Kent, his Highness the Duke of Gloucester, the Earls of Moira and Chichester, Mr. Tierney, Sir W. W. Wynne, &c. &c. Lord Erskine was in the Hall for some time.